

**SUPREME COURT
OF THE
STATE OF CONNECTICUT**

WATURBURY JD

S.C. _____

LAFFERTY, ERICA Et Al

V.

JONES, ALEX EMRIC Et Al

SHERLACH, WILLIAM Et Al

V.

JONES, ALEX EMRIC Et Al

SHERLACH, WILLIAM

V.

JONES, ALEX EMRIC Et Al

THE PETITIONER-APPLICANT'S ATTACHED APPENDIX

NORMAN A. PATTIS, ESQ.
JURIS NUMBER 423934
PATTIS & SMITH, LLC
383 ORANGE STREET, FIRST FLOOR
NEW HAVEN, CT 06511
T: (203) 393-3017
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State of Connecticut Judicial Branch Superior Court Case Look-up



Superior Court Case Look-up
Civil/Family
Housing
Small Claims

UWY-
CV18-6046436-S

LAFFERTY, ERICA Et Al v. JONES, ALEX EMRIC Et Al

Prefix: X06

Case Type: T50

File Date: 05/23/2018

Return Date: 06/26/2018

Case Detail

Notices

History

Scheduled Court Dates

E-Services Login

Screen Section Help



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Attorney/Firm Juris Number Look-up

Case Look-up

By Party Name

By Docket Number

By Attorney/Firm Juris Number

By Property Address

[This case is consolidated with one or more cases](#)

Short Calendar Look-up

By Court Location

By Attorney/Firm Juris Number

Motion to Seal or Close

Calendar Notices

Court Events Look-up

By Date

By Docket Number

By Attorney/Firm Juris Number

Legal Notices

Pending Foreclosure Sales

Understanding

Display of Case Information

Contact Us



Comments

Information Updated as of: 11/11/2021

Case Information

Case Type: T50 - Torts - Defamation

Court Location: WATERBURY JD

List Type: No List Type

Trial List Claim:

Last Action Date: 11/10/2021 (The "last action date" is the date the information was entered in the system)

Disposition Information

Disposition Date:

Disposition:

Judge or Magistrate:

Party & Appearance Information

Party	No Fee Party	Category
P-01 ERICA LAFFERTY REMOVED		Plaintiff
P-02 DAVID WHEELER Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff
P-03 FRANCINE WHEELER Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff
P-04 JACQUELINE BARDEN Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff
P-05 MARK BARDEN Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff
P-06 NICOLE HOCKLEY Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff
P-07 IAN HOCKLEY Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff
P-08 JENNIFER HENSEL Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff
P-09 JEREMY RICHMAN REMOVED		Plaintiff
P-10 DONNA SOTO Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06604	File Date: 05/23/2018	Plaintiff

P-11	CARLEE SOTO-PARISI Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06804	File Date: 05/23/2018	Plaintiff
P-12	CARLOS M. SOTO Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06804	File Date: 05/23/2018	Plaintiff
P-13	JILLIAN SOTO Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06804	File Date: 05/23/2018	Plaintiff
P-14	WILLIAM ALDENBERG Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06804	File Date: 05/23/2018	Plaintiff
P-15	JENNIFER HENSEL EXECUTRIX OF THE ESTATE OF JEREMY RICHMAN REMOVED		Plaintiff - Substituted
P-16	RICHARD M COAN TRUSTEE OF THE BANKRUPTCY ESTATE OF ERICA GARBATINI Attorney: KOSKOFF KOSKOFF & BIEDER PC (032250) 350 FAIRFIELD AVENUE BRIDGEPORT, CT 06804	File Date: 10/20/2021	Plaintiff - Substituted
D-01	ALEX EMRIC JONES Attorney: JAY MARSHALL WOLMAN (433791) 100 PEARL STREET 14TH FLOOR HARTFORD, CT 06103	File Date: 07/07/2020	Defendant
D-02	INFOWARS, LLC Attorney: JAY MARSHALL WOLMAN (433791) 100 PEARL STREET 14TH FLOOR HARTFORD, CT 06103 Attorney: PATTIS & SMITH LLC (423934) 383 ORANGE STREET 1ST FLOOR NEW HAVEN, CT 06511	File Date: 07/07/2020 File Date: 06/28/2021	Defendant
D-03	FREE SPEECH SYSTEMS, LLC Attorney: JAY MARSHALL WOLMAN (433791) 100 PEARL STREET 14TH FLOOR HARTFORD, CT 06103 Attorney: PATTIS & SMITH LLC (423934) 383 ORANGE STREET 1ST FLOOR NEW HAVEN, CT 06511	File Date: 07/07/2020 File Date: 06/28/2021	Defendant
D-04	INFOWARS HEALTH LLC Attorney: JAY MARSHALL WOLMAN (433791) 100 PEARL STREET 14TH FLOOR HARTFORD, CT 06103 Attorney: PATTIS & SMITH LLC (423934) 383 ORANGE STREET 1ST FLOOR NEW HAVEN, CT 06511	File Date: 07/07/2020 File Date: 06/28/2021	Defendant
D-05	PRISON PLANET TV LLC Attorney: JAY MARSHALL WOLMAN (433791) 100 PEARL STREET 14TH FLOOR HARTFORD, CT 06103 Attorney: PATTIS & SMITH LLC (423934) 383 ORANGE STREET 1ST FLOOR NEW HAVEN, CT 06511	File Date: 07/07/2020 File Date: 06/28/2021	Defendant
D-06	WOLFGANG HALBIG REMOVED		Defendant
D-07	CORY T. SKLANKA REMOVED		Defendant
D-08	GENESIS COMMUNICATIONS NETWORK, INC. Attorney: BRIGNOLE & BUSH LLC (419073) 73 WADSWORTH STREET HARTFORD, CT 06108	File Date: 04/28/2021	Defendant
D-09	MIDAS RESOURCES, INC. REMOVED		Defendant

D-10 MIDAS RESOURCES, INC.

Defendant

REMOVED**O-01 RICHARD M COAN TRUSTEE OF THE BANKRUPTCY ESTATE OF ERICA GARBATINI**

Trustee

Attorney: ZEISLER & ZEISLER P.C. (069625)
 10 MIDDLE STREET
 15TH FLOOR
 BRIDGEPORT, CT 06604

File Date: 07/22/2021

O-02 JAMES H. FETZER PHDIntervening
Entity**REMOVED****O-03 JAY WOLMAN, ESQ.**Intervening
Entity

Attorney: HORTON DOWD BARTSCHI & LEVESQUE PC (038478) File Date: 10/18/2021
 90 GILLET STREET
 HARTFORD, CT 06105

Viewing Documents on Civil, Housing and Small Claims Cases:
















If there is an "e" in front of the docket number at the top of this page, then the file is electronic (paperless).



























- Documents, court orders and judicial notices in electronic (paperless) civil, housing and small claims cases with a return date on or after January 1, 2014 are available publicly over the internet.* For more information on what you can view in all cases, view the [Electronic Access to Court Documents Quick Card](#).
- For civil cases filed prior to 2014, court orders and judicial notices that are electronic are available publicly over the internet. Orders can be viewed by selecting the link to the order from the list below. Notices can be viewed by clicking the **Notices** tab above and selecting the link.*
- Documents, court orders and judicial notices in an electronic (paperless) file can be viewed at any judicial district courthouse during normal business hours.*
- Pleadings or other documents that are not electronic (paperless) can be viewed only during normal business hours at the Clerk's Office in the Judicial District where the case is located.*
- An Affidavit of Debt is not available publicly over the internet on small claims cases filed before October 16, 2017.*

*Any documents protected by law Or by court order that are Not open to the public cannot be viewed by the public online And can only be viewed in person at the clerk's office where the file is located by those authorized by law or court order to see them.

Motions / Pleadings / Documents / Case Status				
Entry No	File Date	Filed By	Description	Arguable
	05/23/2018	P	SUMMONS	
	05/23/2018	P	COMPLAINT	
	05/23/2018	P	ADDITIONAL PARTIES PAGE	
	06/18/2018		APPEARANCE	
	06/22/2018	D	APPEARANCE Appearance	
	06/28/2018	D	APPEARANCE Appearance	
	06/29/2018	D	APPEARANCE Appearance	
	07/06/2018		APPEARANCE	
	03/01/2019	D	APPEARANCE Appearance	
	11/04/2019	D	APPEARANCE Appearance	
	02/24/2020	D	APPEARANCE Appearance	
	03/18/2020	D	APPEARANCE Appearance	
	07/07/2020	D	APPEARANCE Appearance	
	07/07/2020	D	APPEARANCE Appearance	

	10/19/2020		APPEARANCE	
	04/28/2021	D	APPEARANCE Appearance	
	06/28/2021	D	APPEARANCE Appearance	
	07/21/2021		APPEARANCE	
	07/22/2021	O	APPEARANCE Appearance	
	10/18/2021		APPEARANCE W. Horton	
	10/26/2021		APPEARANCE J. Fetzer PHD	
100.30	05/23/2018	P	RETURN OF SERVICE	No
101.00	06/11/2018	P	SUPPLEMENTAL RETURN Midas - Genesis - Halbig	No
102.00	06/14/2018	P	SUPPLEMENTAL RETURN as to Alex Emric Jones	No
103.00	06/29/2018	D	WITHDRAWAL IN PART	No
104.00	07/12/2018	D	MOTION TO DISMISS PB 10-30 <i>RESULT:</i> Denied 4/29/2019 HON BARBARA BELLIS	Yes
104.10	04/29/2019	C	ORDER <i>RESULT:</i> Denied 4/29/2019 HON BARBARA BELLIS	No
105.00	07/13/2018	P	SUPPLEMENTAL RETURN	No
106.00	07/13/2018	D	NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT	No
107.00	07/13/2018	D	REMOVED TO FEDERAL DISTRICT COURT	No
108.00	07/18/2018	D	MOTION TO DISMISS PB 10-30	Yes
109.00	07/18/2018	C	ENTRY ERASED TO CORRECT ERROR <i>Last Updated:</i> Party Type - 07/18/2018	No
110.00	07/31/2018	D	NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT	No
111.00	11/09/2018	P	CLAIM FOR JURY OF 6	No
112.00	11/21/2018	C	REMANDED FROM FEDERAL DISTRICT COURT	No
113.00	11/21/2018	D	SPECIAL MOTION TO DISMISS / COUNTERCLAIM / CROSS CLAIM	Yes
113.10	11/23/2018	C	ORDER <i>RESULT:</i> Order 11/23/2018 HON BARBARA BELLIS	No
114.00	11/21/2018	D	MEMORANDUM IN SUPPORT OF MOTION Re: Special Motion to Dismiss (113.00)	No
115.00	11/29/2018	P	SCHEDULING ORDER <i>RESULT:</i> Order 11/30/2018 HON BARBARA BELLIS	No
115.10	11/30/2018	C	ORDER <i>RESULT:</i> Order 11/30/2018 HON BARBARA BELLIS	No
116.00	11/29/2018	P	CLAIM FOR JURY OF 6	No
117.00	11/29/2018	P	MOTION TO CONSOLIDATE <i>RESULT:</i> Granted 12/17/2018 HON BARBARA BELLIS	No
117.10	12/17/2018	C	ORDER <i>RESULT:</i> Granted 12/17/2018 HON BARBARA BELLIS	No
118.00	12/04/2018	D	SPECIAL MOTION TO DISMISS / COUNTERCLAIM / CROSS CLAIM	Yes
118.10	12/05/2018	C	ORDER <i>RESULT:</i> Order 12/5/2018 HON BARBARA BELLIS	No
119.00	12/04/2018	P	OBJECTION TO MOTION Objection to Defendant Halbig's Motion to Dismiss <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
119.10	04/29/2019	C	ORDER <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No

120.00	12/04/2018	P	MEMORANDUM OF LAW IN OPPOSITION TO MOTION TO DISMISS PB 10-31  Memorandum in Support of Plaintiffs' Objection to Defendant Halbig's Motion to Dismiss	No
121.00	12/04/2018	D	OBJECTION  <i>RESULT:</i> Order 4/22/2019 HON BARBARA BELLIS	No
121.10	04/22/2019	C	ORDER  <i>RESULT:</i> Order 4/22/2019 HON BARBARA BELLIS	No
122.00	12/05/2018	P	CASEFLOW REQUEST (JD-CV-116)  re MET to file initial motions re targeted discovery <i>RESULT:</i> Granted 12/7/2018 HON BARBARA BELLIS	No
122.10	12/07/2018	C	ORDER  <i>RESULT:</i> Granted 12/7/2018 HON BARBARA BELLIS	No
123.00	12/10/2018	P	MOTION FOR ORDER  Motion for Limited Discovery Pursuant to Conn. Gen. Stat. Section 52-196a(d) <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
123.10	12/17/2018	C	ORDER  <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
124.00	12/12/2018	D	MOTION TO DISQUALIFY  <i>RESULT:</i> Denied 4/8/2019 HON BARBARA BELLIS	No
124.10	04/08/2019	C	ORDER  <i>RESULT:</i> Denied 4/8/2019 HON BARBARA BELLIS	No
125.00	12/12/2018	D	OBJECTION TO MOTION OR REQUEST FOR DISCOVERY PB CH13  <i>RESULT:</i> Overruled 4/22/2019 HON BARBARA BELLIS	No
125.10	04/22/2019	C	ORDER  <i>RESULT:</i> Overruled 4/22/2019 HON BARBARA BELLIS	No
126.00	12/14/2018	D	MEMORANDUM IN OPPOSITION TO MOTION  in Opposition to Plaintiffs' Motion for Limited Discovery (Entry No. 123.00) <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
126.10	12/17/2018	C	ORDER  <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
127.00	12/14/2018	D	MEMORANDUM IN OPPOSITION TO MOTION  Limited Opposition to Motion to Consolidate Cases (Entry No. 117.00) <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
127.10	12/17/2018	C	ORDER  <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
128.00	12/14/2018	D	MEMORANDUM IN OPPOSITION TO MOTION  in Opposition to Defendant Wolfgang Halbig's Motion to Recuse (Entry No. 124.00) <i>RESULT:</i> Order 4/8/2019 HON BARBARA BELLIS	No
128.10	04/08/2019	C	ORDER  See order #124.10 <i>RESULT:</i> Order 4/8/2019 HON BARBARA BELLIS	No
129.00	12/14/2018	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Plaintiff's Motion for Limited Discovery <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
129.10	12/17/2018	C	ORDER  <i>RESULT:</i> Order 12/17/2018 HON BARBARA BELLIS	No
130.00	12/17/2018	P	REPLY MEMORANDUM  Reply in Support of Motion for Limited Discovery	No
131.00	12/18/2018	D	REPLY  <i>RESULT:</i> Order 4/8/2019 HON BARBARA BELLIS	No
131.10	04/08/2019	C	ORDER  See order #124.10 <i>RESULT:</i> Order 4/8/2019 HON BARBARA BELLIS	No
132.00	12/24/2018	D	REPLY  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
132.10	04/29/2019	C	ORDER  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
133.00	12/24/2018	D	REPLY  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No

133.10	04/29/2019	C	ORDER  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
134.00	12/24/2018	D	EXHIBITS  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
134.10	04/29/2019	C	ORDER  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
135.00	12/27/2018	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  and to Depositions, in Exhibits to Entry No. 123.00	No
136.00	12/28/2018	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  	No
137.00	12/31/2018	P	AFFIDAVIT OF ATTEMPT TO RESOLVE DISCOVERY OBJECTION  Plaintiffs' Affidavit of Attempt to Resolve Discovery Objections	No
138.00	01/03/2019	D	NOTICE  Notice of Filing Objections to Plaintiffs Interrogatories and Requests for Productions	No
139.00	01/03/2019	D	OBJECTION  Defendant Midas Resources Inc.'s Objections to Plaintiffs Discovery Requests	No
140.00	01/07/2019	D	WAIVER - GENERAL  	No
141.00	01/07/2019	C	ENTRY ERASED TO CORRECT ERROR Last Updated: Party Type - 01/07/2019	No
142.00	01/08/2019	D	SPECIAL MOTION TO DISMISS / COUNTERCLAIM / CROSS CLAIM  Special Motion to Dismiss Plaintiff's Complaint	Yes
142.10	01/09/2019	C	ORDER  <i>RESULT:</i> Order 1/9/2019 HON BARBARA BELLIS	No
143.00	01/08/2019	D	MEMORANDUM IN SUPPORT OF MOTION  Defendant Midas Resources Inc Memorandum of Law in Support of Motion to Dismiss	No
144.00	01/09/2019	D	OBJECTION  TO PLAINTIFFS' FIRST SET OF SPECIAL INTERROGATORIES & REQUESTS FOR PRODUCTION	No
145.00	01/09/2019	P	MEMORANDUM  Memo of Law & Fact Concern. Ds' Objs to Ps' Req for Limited Disc w Attached Meet-&-Confer Affidavit	No
146.00	01/09/2019	D	OBJECTION TO MOTION OR REQUEST FOR DISCOVERY PB CH13  to Plaintiffs' Revised Discovery Requests re: Motion of Limited Discovery (Entry No. 123.00)	No
147.00	01/10/2019	D	OBJECTION TO MOTION OR REQUEST FOR DISCOVERY PB CH13  Defendant, Cory Sklanka's Objections to Plaintiffs' First Set of Special Int. & Req. for Production	No
148.00	01/10/2019	C	ORDER  <i>RESULT:</i> Order 1/10/2019 HON BARBARA BELLIS	No
149.00	01/11/2019	P	MOTION FOR CLARIFICATION-COURT ORDER  Motion for Clarification Re: Order #148.00	No
150.00	01/11/2019	D	AFFIDAVIT  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
150.10	04/29/2019	C	ORDER  <i>RESULT:</i> Order 4/29/2019 HON BARBARA BELLIS	No
151.00	01/15/2019	P	MOTION FOR ORDER  Motion to Clarify Compliance Deadlines	No
152.00	01/16/2019	P	CASEFLOW REQUEST (JD-CV-116)  Status conference to address deposition scheduling	No
153.00	01/17/2019	D	NOTICE TO ALL PARTIES  of Filing of Petition for Certification to Appeal (PET SC 180321)	No
154.00	01/22/2019	D	MOTION FOR PERMISSION TO APPEAR PRO HAC VICE PB 2-16  for Attorney Marc Randazza <i>RESULT:</i> Denied 1/30/2019 HON BARBARA BELLIS	No
154.10	01/30/2019	C	ORDER  <i>RESULT:</i> Denied 1/30/2019 HON BARBARA BELLIS	No
155.00	01/22/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  to Motion to Clarify Compliance Deadlines (Entry No. 151.00)	No














156.00	01/22/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  to Motion for Clarification re: Order #148.00 (Entry No. 149.00)	No
157.00	01/22/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Plaintiffs Motion for Clarification re: Order #148.00	No
158.00	01/24/2019	D	EXHIBITS  Supplemental Exhibits Regarding Application for Pro Hac Vice Admission (Entry No. 154.00)	No
159.00	01/24/2019	P	NOTICE  Notice of Service of Ps' First Set of Special Interrogatories & Requests for Production	No
160.00	01/30/2019	D	MOTION FOR CHANGE OF VENUE  	No
161.00	01/30/2019	P	NOTICE  Notice of Filing Ruling of the Chief Justice	No
162.00	01/30/2019	P	MEMORANDUM  ON DEFENDANTS' APPLICATION FOR APPEARANCE PRO HAC VICE	No
163.00	01/30/2019	P	EXHIBITS  Exhibit A to Plaintiffs' Memorandum re: Defendants' Application for Appearance Pro Hac Vice	No
164.00	01/31/2019	D	REPLY MEMORANDUM  in support of Application for Pro Hac Vice Appearance of Marc Randazza (Entry No. 154.00)	No
165.00	01/28/2019	C	APPELLATE COURT MATERIAL  Statement in Opposition	No
166.00	01/31/2019	C	APPELLATE COURT MATERIAL  Letter denying application for cert	No
167.00	02/01/2019	D	MOTION FOR CHANGE OF VENUE  <i>RESULT: Denied 4/22/2019 HON BARBARA BELLIS</i>	No
167.10	04/22/2019	C	ORDER  <i>RESULT: Denied 4/22/2019 HON BARBARA BELLIS</i>	No
168.00	02/05/2019	P	MEMORANDUM  Supplemental Memorandum on the Scope of Individual Depositions	No
169.00	02/07/2019	D	MOTION TO TRANSFER  Motion to Transfer Venue	No
170.00	02/11/2019	D	MEMORANDUM  Defendant, Cory Sklanka's, Opposition to Plaintiffs' Supplementary Memo on Scope of Ind Depositions	No
171.00	02/13/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Supplemental Memorandum Regarding Depositions (Entry No. 168.00)	No
172.00	02/13/2019	P	OBJECTION TO MOTION  Objection to Def. Halbig's Motion for Venue Change & Sanctions <i>RESULT: Sustained 4/22/2019 HON BARBARA BELLIS</i>	No
172.10	04/22/2019	C	ORDER  <i>RESULT: Sustained 4/22/2019 HON BARBARA BELLIS</i>	No
173.00	02/13/2019	D	MOTION FOR EXTENSION OF TIME  Re: Defendants' Response to the Plaintiffs' Supplementary Memorandum on the Scope of Individual Depo <i>RESULT: Granted 2/13/2019 HON BARBARA BELLIS</i>	No
173.10	02/13/2019	C	ORDER  <i>RESULT: Granted 2/13/2019 HON BARBARA BELLIS</i>	No
174.00	02/13/2019	P	REPLY  in support of supp memo on the scope of individual depositions	No
175.00	02/13/2019	D	MEMORANDUM  Response to Pl. Objection to Halbig Venue Motion & Req. for Sanctions (Entry No. 172.00).	No
176.00	02/13/2019	C	ORDER  <i>RESULT: Order 2/13/2019 HON BARBARA BELLIS</i>	No
177.00	02/15/2019	D	MOTION FOR PROTECTIVE ORDER PB 13-5  	No
178.00	02/19/2019	P	OBJECTION TO MOTION  Plaintiffs' Objection to the Jones Defendants' Motion for Protective Order	No

179.00	02/19/2019	C	PRESIDING JUDGE REFERRAL TO COMPLEX LITIGATION DOCKET <i>RESULT:</i> Order 3/8/2019 HON JAMES ABRAMS	No
179.10	03/08/2019	C	ORDER <i>RESULT:</i> Order 3/8/2019 HON JAMES ABRAMS	No
180.00	02/19/2019	D	MOTION FOR PROTECTIVE ORDER PB 13-5 Defendant, Cory Sklanka's, Motion for Entry of Protective Order joining Jones' Motion #177.00	No
181.00	02/20/2019	D	REPLY MEMORANDUM In Support of Motion for Protective Order (Entry No. 177.00)	No
182.00	02/20/2019	D	CASEFLOW REQUEST (JD-CV-116) re Motion for Protective Order (Entry No. 177.00)	No
183.00	02/21/2019	D	PROPOSED ORDER Protective Order, PB 13-5, per Court Revisions	No
184.00	02/22/2019	P	REPLY Ps' Response Concernng Proposed Protective Order	No
185.00	02/22/2019	D	PROPOSED ORDER Protective Order, PB 13-5, per Court Revisions, with edit per Plaintiffs' Response <i>RESULT:</i> Granted 2/22/2019 HON BARBARA BELLIS	No
185.10	02/22/2019	C	ORDER <i>RESULT:</i> Granted 2/22/2019 HON BARBARA BELLIS	No
186.00	02/22/2019	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB GH13	No
187.00	02/22/2019	D	OBJECTION <i>RESULT:</i> Overruled 4/22/2019 HON BARBARA BELLIS	No
187.10	04/22/2019	C	ORDER <i>RESULT:</i> Overruled 4/22/2019 HON BARBARA BELLIS	No
188.00	02/25/2019	D	REPLY	No
189.00	02/25/2019	D	RECORD CORRECTION Last Updated: Multiple Field Correction - 02/25/2019	No
190.00	02/25/2019	P	CASEFLOW REQUEST (JD-CV-116) re: marking off status conference scheduled for 2.26.19 <i>RESULT:</i> Granted 2/25/2019 HON BARBARA BELLIS	No
190.10	02/25/2019	C	ORDER <i>RESULT:</i> Granted 2/25/2019 HON BARBARA BELLIS	No
191.00	02/25/2019	D	NOTICE OF COMPLIANCE Notice of Compliance with Plaintiff's First Set of Special D&P's	No
192.00	03/01/2019	P	MOTION FOR ORDER OF COMPLIANCE - PB SEC 13-14 (INTERB/PROD - 13-6/13-9) Motion to Compel <i>RESULT:</i> Order 3/7/2019 HON BARBARA BELLIS	No
192.10	03/07/2019	C	ORDER <i>RESULT:</i> Order 3/7/2019 HON BARBARA BELLIS	No
193.00	03/04/2019	P	CASEFLOW REQUEST (JD-CV-116) requesting status conf on 3/7/19 at 2pm	No
194.00	03/04/2019	D	WITHDRAWAL OF MOTION 180	No
195.00	03/05/2019	P	NOTICE of Consent to Referral to Complex Litigation Docket	No
196.00	03/06/2019	D	MOTION FOR EXTENSION OF TIME TO COMPLY WITH DISCOVERY ORDER <i>RESULT:</i> Order 3/7/2019 HON BARBARA BELLIS	No
196.10	03/07/2019	C	ORDER <i>RESULT:</i> Order 3/7/2019 HON BARBARA BELLIS	No
197.00	03/07/2019	P	MEMORANDUM in Response to Jones Defendants' MET to Comply with Discovery of 3.6.19	No
198.00	03/08/2019	C	ORDER <i>RESULT:</i> Order 3/8/2019 HON BARBARA BELLIS	No
199.00	03/08/2019	C	ORDER <i>RESULT:</i> Order 3/8/2019 HON BARBARA BELLIS	No


























200.33	03/08/2019	C	TRANSFERRED FROM SUPERIOR COURT JUDICIAL DISTRICT OF FAIRFIELD	No
201.33	03/08/2019	C	TRANSFERRED TO SUPERIOR COURT JUDICIAL DISTRICT OF WATERBURY	No
202.00	03/11/2019	O	LETTER Atty Randazza letter (only 2 of 3 pages received)	No
203.00	03/18/2019	D	MOTION FOR EXTENSION OF TIME TO COMPLY WITH DISCOVERY ORDER RESULT: Denied 3/20/2019 HON BARBARA BELLIS	No
203.10	03/20/2019	C	ORDER RESULT: Denied 3/20/2019 HON BARBARA BELLIS	No
204.00	03/19/2019	P	OBJECTION TO MOTION FOR EXTENSION OF TIME Objection to Jones Ds' Third Motion for Extension of Time RESULT: Sustained 3/20/2019 HON BARBARA BELLIS	No
204.10	03/20/2019	C	ORDER RESULT: Sustained 3/20/2019 HON BARBARA BELLIS	No
205.00	03/19/2019	P	CASEFLOW REQUEST (JD-CV-116) Re: #203.00 and #204.00	No
206.00	03/20/2019	P	MOTION FOR ORDER for sanctions against the Jones defendants	No
207.00	03/21/2019	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)	Yes
208.00	03/21/2019	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77) Corrected version of #207 (which referenced incorrect Motion) - requesting adjudication of #206	Yes
209.00	03/21/2019	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77) Updated Corrected Version of 207 and 208 noting Defense objection	Yes
210.00	03/21/2019	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13	No
211.00	03/22/2019	D	AFFIDAVIT 3/20/19 affidavit of M Zimmerman	No
212.00	03/22/2019	D	AFFIDAVIT 3/22/19 affidavit of A. Jones	No
213.00	03/25/2019	P	MEMORANDUM IN SUPPORT OF MOTION Suppl Memo in Support of Motion for Sanctions Against the Jones Defendants	No
214.00	03/29/2019	P	AFFIDAVIT Declaration of David R. Jones 2/22/19 Last Updated: Multiple Field Correction - 04/01/2019	No
215.00	04/02/2019	P	MEMORANDUM IN SUPPORT OF MOTION Second Supplemental Memorandum in Support of Motion for Sanctions	No
216.00	04/08/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77) Halbig -- motion to recuse #124	Yes
217.00	04/10/2019	P	NOTICE Notice of Filing Served Requests for Production	No
218.00	04/11/2019	D	NOTICE OF FILING OF RESPONSES TO PLAINTIFFS? SPECIAL REQUESTS FOR PRODUCTION	No
219.00	04/11/2019	D	NOTICE OF FILING OF RESPONSES TO PLAINTIFFS? SPECIAL REQUESTS FOR PRODUCTION	No
220.00	04/11/2019	D	NOTICE OF FILING OF RESPONSES TO PLAINTIFFS? SPECIAL REQUESTS FOR PRODUCTION	No
221.00	04/11/2019	D	NOTICE OF FILING OF RESPONSES TO PLAINTIFFS? SPECIAL REQUESTS FOR PRODUCTION	No
222.00	04/11/2019	D	NOTICE OF FILING OF RESPONSES TO PLAINTIFFS? SPECIAL REQUESTS FOR PRODUCTION	No
223.00	04/11/2019	D	MOTION FOR ORDER OF COMPLIANCE - PB SEC 13-14 (INTERR/PROD - 13-6/13-9) RESULT: Order 4/30/2019 HON BARBARA BELLIS	No





223.10	04/30/2019	C	ORDER  <i>RESULT:</i> Order 4/30/2019 HON BARBARA BELLIS	No
224.00	04/16/2019	D	AFFIDAVIT 	No
225.00	04/16/2019	D	MOTION FOR DISQUALIFICATION OF JUDICIAL AUTHORITY PB 1-23  Halbig's renewed and supplemental motion to recuse	No
225.10	05/08/2019	C	ORDER  <i>RESULT:</i> Denied 5/8/2019 HON BARBARA BELLIS	No
226.00	04/18/2019	P	MEMORANDUM IN OPPOSITION TO MOTION  Plaintiffs' Memorandum in Opposition to Defendants' Motion to Compel Compliance (#223.00) <i>RESULT:</i> Order 4/30/2019 HON BARBARA BELLIS	No
226.10	04/30/2019	C	ORDER  <i>RESULT:</i> Order 4/30/2019 HON BARBARA BELLIS	No
227.00	04/22/2019	P	MOTION FOR ORDER  Plaintiffs' Motion to Compel Compliance	No
228.00	04/18/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Halbig's motion to recuse & supplemental	Yes
229.00	04/18/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Halbig's objection to "limited Discovery"	Yes
230.00	04/18/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Halbig's objection to order re: Halbig Deposition	Yes
231.00	04/18/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Halbig's objection to ex parte communications	Yes
232.00	04/18/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Halbig's motion sanctions for pretrial publicity	Yes
233.00	04/18/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Halbig's dismiss lack personal & subject matter	Yes
234.00	04/22/2019	P	MOTION FOR ORDER  for discovery regarding compliance <i>RESULT:</i> Order 4/30/2019 HON BARBARA BELLIS	No
234.10	04/30/2019	C	ORDER  <i>RESULT:</i> Order 4/30/2019 HON BARBARA BELLIS	No
235.00	04/25/2019	P	MOTION FOR ORDER  Re: Additional Motion to Compel Jones Defendants' Responses	No
236.00	04/29/2019	P	MOTION FOR ORDER  Motion for Relief Concerning the Alex Jones False Affidavit	No
237.00	04/29/2019	P	NOTICE  Notice of Matters Ready for Argument	No
238.00	04/30/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  For Further Discovery Proceedings <i>RESULT:</i> Order 4/30/2019 HON BARBARA BELLIS	No
238.10	04/30/2019	C	ORDER  <i>RESULT:</i> Order 4/30/2019 HON BARBARA BELLIS	No
239.00	05/07/2019	D	OBJECTION TO MOTION OR REQUEST FOR DISCOVERY PB CH13 	No
240.00	05/14/2019	P	MOTION FOR ORDER 	No
241.00	05/15/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  FOR REQUEST FOR RELIEF FILED BY PLAINTIFFS	No
242.00	05/15/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  FOR REQUEST FOR RELIEF FILED BY PLAINTIFFS - REVISED	No
243.00	05/15/2019	D	NOTICE OF COMPLIANCE  Special Requests for Production Provided to Plaintiffs on May 14, 2019	No
244.00	05/17/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  to Alex Jones	No
245.00	05/17/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  FSS	No
246.00	05/17/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  IWH LLC	No
247.00	05/17/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  IWH LLC	No

248.00	05/17/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  PPTV	No
249.00	05/20/2019	P	WITHDRAWAL OF MOTION  Re: Motion #244, #245, #246, #247, #248	No
250.00	05/20/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  to Alex Jones	No
251.00	05/20/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  to Free Speech Systems	No
252.00	05/20/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  to Infowars	No
253.00	05/20/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  to Infowars Health	No
254.00	05/20/2019	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  to Prison Planet	No
255.00	05/29/2019	P	MOTION FOR ORDER  Motion to Compel Adequate Responses to Ps' Limited, Court-Ordered Requests for Production RESULT: Order 6/10/2019 HON BARBARA BELLIS	No
255.10	06/10/2019	C	ORDER  RESULT: Order 6/10/2019 HON BARBARA BELLIS	No
256.00	05/30/2019	P	MOTION FOR ORDER  Motion to Compel Production of Alex Jones' Personal Email Metadata	No
257.00	06/04/2019	D	MEMORANDUM IN OPPOSITION TO MOTION  FOR ADDITIONAL DISCOVERY RESULT: Order 6/10/2019 HON BARBARA BELLIS	No
257.10	06/10/2019	C	ORDER  RESULT: Order 6/10/2019 HON BARBARA BELLIS	No
258.00	06/10/2019	D	OBJECTION  Jones Defendants' Supplemental Memorandum in Objection to Additional Discovery RESULT: Order 6/10/2019 HON BARBARA BELLIS	No
258.10	06/10/2019	C	ORDER  RESULT: Order 6/10/2019 HON BARBARA BELLIS	No
259.00	06/10/2019	P	MOTION FOR ORDER  Supplemental Memo ISO Motion to Compel Adequate Responses to Pltfs Limited Court Ordered RFPs	No
260.00	06/12/2019	D	REQUEST  Clarification of the Court's order entered June 10, 2019 RESULT: Denied 6/18/2019 HON BARBARA BELLIS	No
260.10	06/18/2019	C	ORDER  RESULT: Denied 6/18/2019 HON BARBARA BELLIS	No
261.00	06/14/2019	P	CASEFLOW REQUEST (JD-CV-116)  requesting status conf on 6/18/19	No
262.00	06/14/2019	P	OBJECTION TO MOTION  Objection to Jones Defendants' Request for Clarification RESULT: Sustained 6/18/2019 HON BARBARA BELLIS	No
262.10	06/18/2019	C	ORDER  RESULT: Sustained 6/18/2019 HON BARBARA BELLIS	No
263.00	06/14/2019	P	MOTION FOR ORDER  Motion for Ruling on Other Outstanding Discovery Issues	No
264.00	06/17/2019	P	NOTICE  Plaintiffs Motion for Review of Broadcast by Alex Jones Threatening Plaintiffs' Counsel	No
265.00	06/17/2019	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  for immediate review of #264 - Notice - P's Motion for Review of Broadcast of Alex Jones RESULT: Order 6/17/2019 HON BARBARA BELLIS	Yes
265.10	06/17/2019	C	ORDER  RESULT: Order 6/17/2019 HON BARBARA BELLIS	No
266.00	06/17/2019	D	OBJECTION TO MOTION  TO COMPEL (DOCKET NOS. 255 AND 259)	No

267.00	06/17/2019	D	MOTION FOR STAY  RESULT: Denied 6/18/2019 HON BARBARA BELLIS	No
267.10	06/18/2019	C	ORDER  RESULT: Denied 6/18/2019 HON BARBARA BELLIS	No
268.00	06/18/2019	P	NOTICE  of filing transcript of Alex Jones' broadcasts of 6/14/19 and 6/15/19 per the Court's request	No
269.00	06/19/2019	C	TRANSCRIPT  Transcript of 6.18.19 hearing	No
270.00	06/19/2019	D	NOTICE OF COMPLIANCE  with Requests to Admit dated May 20, 2019	No
271.00	06/21/2019	C	ORDER  Disclosure RESULT: Order 6/21/2019 HON BARBARA BELLIS	No
272.00	06/24/2019	D	MOTION TO CORRECT  transcripts error	No
273.00	06/24/2019	D	APPLICATION  APPLICATION FOR CERTIFICATION TO APPEAL PURSUANT TO C.G.S. §52-265a	No
274.00	06/24/2019	D	APPLICATION  APPLICATION FOR CERTIFICATION TO APPEAL PURSUANT TO C.G.S. §52-265a AND ATTACHED APPENDIX	No
275.00	07/01/2019	C	SCHEDULING ORDER  Agreed to by counsel on 6/18/19 status conference	No
276.00	07/10/2019	D	MOTION FOR STAY  PROCEEDINGS PENDING DECISION OF THE SUPREME COURT OF CONNECTICUT RESULT: Granted 8/16/2019 HON BARBARA BELLIS	No
276.10	08/16/2019	C	ORDER  RESULT: Granted 8/16/2019 HON BARBARA BELLIS	No
277.00	07/10/2019	D	SUPREME COURT ORDER TRANSFERRING APPEAL FROM APPELLATE COURT  incorrect legend code Last Updated: Legend Code - 07/31/2019	No
278.00	07/18/2019	P	NOTICE  Notice of Filing Motion for Rectification RESULT: Order 7/31/2019 HON BARBARA BELLIS	No
278.05	07/25/2019	D	APPELLATE COURT APPEAL WITHDRAWN 	No
278.10	07/31/2019	C	ORDER  RESULT: Order 7/31/2019 HON BARBARA BELLIS	No
279.00	08/16/2019	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77) 	Yes
280.00	05/04/2020	D	MOTION FOR PERMISSION TO WITHDRAW APPEARANCE  RESULT: Order 5/5/2020 HON BARBARA BELLIS	Yes
280.10	05/05/2020	C	ORDER  order scheduling 6/9/2020 telephone hearing RESULT: Order 5/5/2020 HON BARBARA BELLIS	No
281.00	05/04/2020	D	MOTION FOR PERMISSION TO WITHDRAW APPEARANCE  RESULT: Order 5/5/2020 HON BARBARA BELLIS	Yes
281.10	05/05/2020	C	ORDER  order scheduling 6/9/2020 telephone hearing RESULT: Order 5/5/2020 HON BARBARA BELLIS	No
282.00	05/18/2020	D	WITHDRAWAL OF MOTION  TO WITHDRAW AS COUNSEL	No
283.00	05/28/2020	D	WITHDRAWAL OF MOTION  05/04/2020 281.00 MOTION FOR PERMISSION TO WITHDRAW APPEARANCE	No
284.00	05/29/2020	C	ORDER  6/9/2020 hearing is off RESULT: Order 5/29/2020 HON BARBARA BELLIS	No
285.00	06/24/2020	D	MOTION FOR PERMISSION TO WITHDRAW APPEARANCE  AS COUNSEL RESULT: Order 6/24/2020 HON BARBARA BELLIS	Yes

285.10	06/24/2020	C	ORDER RESULT: Order 6/24/2020 HON BARBARA BELLIS	No
286.00	07/07/2020	D	MOTION FOR PERMISSION TO APPEAR PRO HAC VICE PB 2-16 for Attorney Marc J. Randazza RESULT: Order 7/7/2020 HON BARBARA BELLIS	No
286.10	07/07/2020	C	ORDER RESULT: Order 7/7/2020 HON BARBARA BELLIS	No
287.00	07/07/2020	D	AFFIDAVIT of Alex Emric Jones in support of Motion for Pro Hac Vice (286.00)	No
288.00	07/07/2020	D	AFFIDAVIT of Marc J Randazza in support of Motion for Pro Hac Vice (286.00)	No
289.00	07/07/2020	D	REQUEST FOR ARGUMENT - NON-ARG MATTER (JD-CV-128) Re Motion for Marc Randazza to Appear Pro Hac Vice (286.00) RESULT: Denied 7/7/2020 HON BARBARA BELLIS	No
289.10	07/07/2020	C	ORDER RESULT: Denied 7/7/2020 HON BARBARA BELLIS	No
290.00	07/07/2020	C	ORDER order marking off 7/9/20 hearing RESULT: Order 7/7/2020 HON BARBARA BELLIS	No
290.50	07/23/2020	C	APPELLATE COURT MATERIAL Sanctions orders affirmed	No
291.00	07/29/2020	C	ORDER order postponing the 7/30 status conference RESULT: Order 7/29/2020 HON BARBARA BELLIS	No
292.00	08/14/2020	D	MOTION FOR PERMISSION TO WITHDRAW APPEARANCE as counsel for Cory T. Sklanka RESULT: Granted 9/8/2020 HON BARBARA BELLIS	Yes
292.10	08/17/2020	C	ORDER Order scheduling 9/8/20 remote hearing RESULT: Order 8/17/2020 HON BARBARA BELLIS	No
292.20	09/08/2020	C	ORDER RESULT: Granted 9/8/2020 HON BARBARA BELLIS	No
293.00	09/15/2020	C	APPELLATE COURT MATERIAL stay denied	No
294.00	09/15/2020	D	APPELLATE COURT MATERIAL Stay pending USSP denied Last Updated: Party Type - 10/02/2020	No
295.00	09/15/2020	C	APPELLATE COURT MATERIAL reconsideration denied	No
296.00	10/02/2020	C	ORDER Order re: Motion to dismiss #108 RESULT: Order 10/2/2020 HON BARBARA BELLIS	No
297.00	10/09/2020	D	MOTION TO STRIKE Plaintiffs' Complaint	Yes
298.00	10/09/2020	D	MEMORANDUM IN SUPPORT OF MOTION in support of Motion to Strike (Entry No. 297)	No
299.00	10/11/2020	C	ORDER order re: Halbig dismiss waived RESULT: Order 10/11/2020 HON BARBARA BELLIS	No
300.00	10/23/2020	D	BRIEF Defendants' Brief in Support of Continued Stay (see Entry No. 296.00)	No
301.00	10/23/2020	P	WITHDRAWAL OF ACTION AGAINST PARTICULAR DEFENDANT(S) - CASE REMAINS PENDING Withdrawing as to Cory Sklanka	No
302.00	10/23/2020	P	MEMORANDUM Concerning the Status of Discovery	No
303.00	10/26/2020	D	WITHDRAWAL OF MOTION without prejudice subject to the finalization of the settlement	No
304.00	10/27/2020	C	ORDER Order: Strike filing dates/ denial request stay RESULT: Order 10/27/2020 HON BARBARA BELLIS	No

305.00	11/06/2020	D	OBJECTION TO DEPOSITION  Melinda Flores <i>RESULT:</i> Order 4/29/2021 HON BARBARA BELLIS	No
305.10	04/29/2021	C	ORDER  <i>RESULT:</i> Order 4/29/2021 HON BARBARA BELLIS	No
306.00	11/06/2020	D	OBJECTION TO DEPOSITION  Daria Karpova <i>RESULT:</i> Order 4/29/2021 HON BARBARA BELLIS	No
306.10	04/29/2021	C	ORDER  <i>RESULT:</i> Order 4/29/2021 HON BARBARA BELLIS	No
307.00	11/09/2020	P	REPLY  to Jones Defs Objections to Depo Notices of Karpova and Flores <i>RESULT:</i> Order 4/29/2021 HON BARBARA BELLIS	No
307.10	04/29/2021	C	ORDER  <i>RESULT:</i> Order 4/29/2021 HON BARBARA BELLIS	No
308.00	11/12/2020	P	SCHEDULING ORDER  proposed scheduling order	No
309.00	11/12/2020	P	MOTION FOR ORDER  Motion to Re-Compel Compliance <i>RESULT:</i> Order 5/14/2021 HON BARBARA BELLIS	No
309.10	05/14/2021	C	ORDER  <i>RESULT:</i> Order 5/14/2021 HON BARBARA BELLIS	No
310.00	11/16/2020	P	MOTION FOR ORDER  re: Procedures for Noticing and Taking Depositions <i>RESULT:</i> Order 5/14/2021 HON BARBARA BELLIS	No
310.10	05/14/2021	C	ORDER  <i>RESULT:</i> Order 5/14/2021 HON BARBARA BELLIS	No
311.00	11/16/2020	P	REPLY MEMORANDUM  Supplement in Support of Reply to Jones Ds' Objections to Notices of Deposition	No
312.00	11/18/2020	D	NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT 	No
313.00	11/18/2020	P	AFFIDAVIT OF ATTEMPT TO RESOLVE DISCOVERY OBJECTION 	No
314.00	11/18/2020	D	REMOVED TO FEDERAL DISTRICT COURT	No
315.00	04/05/2021	C	RECORD CORRECTION  Last Updated: Legend Code - 04/07/2021	No
316.00	03/05/2021	C	REMANDED FROM FEDERAL DISTRICT COURT 	No
317.00	04/06/2021	P	WITHDRAWAL OF ACTION AGAINST PARTICULAR DEFENDANT(S) - CASE REMAINS PENDING  As to Wolfgang Halbig	No
318.00	04/06/2021	P	WITHDRAWAL OF ACTION AGAINST PARTICULAR DEFENDANT(S) - CASE REMAINS PENDING  As to Midas Resources, Inc.	No
319.00	04/14/2021	C	ORDER  Order re: status conferences and strike deadlines <i>RESULT:</i> Order 4/14/2021 HON BARBARA BELLIS	No
320.00	04/15/2021	C	ORDER  Scheduling order by Court <i>RESULT:</i> Order 4/15/2021 HON BARBARA BELLIS	No
321.00	04/16/2021	C	TRANSCRIPT  4/14/21 on the record status conference Last Updated: Additional Description - 04/16/2021	No
322.00	04/21/2021	P	MOTION FOR DEFAULT -FAILURE TO APPEAR PB 17-20  as to Genesis Communications Network, Inc. <i>RESULT:</i> Granted 4/26/2021 BY THE CLERK	No
322.10	04/26/2021	C	ORDER  <i>RESULT:</i> Order 4/27/2021 HON BARBARA BELLIS	No
322.20	04/27/2021	C	ORDER  Court vacates order as done too early <i>RESULT:</i> Order 4/27/2021 HON BARBARA BELLIS	No
323.00	04/23/2021	P	MOTION FOR EXTENSION OF TIME TO FILE BRIEF  re respond to Jones Ds' Motion to Strike <i>RESULT:</i> Order 4/26/2021 HON BARBARA BELLIS	No

323.10	04/26/2021	C	ORDER  order re: objection due today or motion is granted RESULT: Order 4/26/2021 HON BARBARA BELLIS Last Updated: Additional Description - 04/26/2021	No
324.00	04/28/2021	D	REPLY MEMORANDUM  Reply in Support of Objections (Entry Nos. 305.00 & 306.00) RESULT: Order 4/29/2021 HON BARBARA BELLIS	No
324.10	04/29/2021	C	ORDER  RESULT: Order 4/29/2021 HON BARBARA BELLIS	No
325.00	04/29/2021	P	OBJECTION TO MOTION  Plaintiffs' Objection to the Jones Defendants' Motion to Strike	No
326.00	05/05/2021	D	MOTION FOR PROTECTIVE ORDER PB 13-5  Emergency Motion re May 6 & 7 Depositions	No
326.10	05/06/2021	C	ORDER  RESULT: Order 5/6/2021 HON BARBARA BELLIS	No
327.00	05/05/2021	D	AFFIDAVIT OF ATTEMPT TO RESOLVE DISCOVERY OBJECTION  Re: Emergency Motion 326.00	No
328.00	05/05/2021	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Re: Emergency Motion for Protective Order 326.00	Yes
329.00	05/05/2021	P	MEMORANDUM IN OPPOSITION TO MOTION  Memorandum in Response to the Jones Defendants' Emergency Motion for Protective Order RESULT: Order 5/6/2021 HON BARBARA BELLIS	No
329.10	05/06/2021	C	ORDER  RESULT: Order 5/6/2021 HON BARBARA BELLIS	No
330.00	05/05/2021	D	REPLY MEMORANDUM  Reply in Support of Emergency Motion for Protective Order	No
330.10	05/06/2021	C	ORDER  RESULT: Order 5/6/2021 HON BARBARA BELLIS	No
331.00	05/05/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Objection to Motion to Re-Compel Compliance, Entry No. 309.00 RESULT: Order 5/14/2021 HON BARBARA BELLIS	No
331.10	05/14/2021	C	ORDER  RESULT: Order 5/14/2021 HON BARBARA BELLIS	No
332.00	05/05/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Limited Opposition to Motion re Deposition Procedure, Entry No. 310.00 RESULT: Order 5/12/2021 HON BARBARA BELLIS	No
332.10	05/12/2021	C	ORDER  RESULT: Order 5/12/2021 HON BARBARA BELLIS	No
333.00	05/05/2021	C	ORDER  Order re: 5/6/21 11:00 am hearing RESULT: Order 5/5/2021 HON BARBARA BELLIS	No
334.00	05/05/2021	P	MOTION FOR ORDER  Motion to Compel Compliance with Plaintiffs' Second Set of Requests for Production	No
335.00	05/06/2021	P	WITHDRAWAL OF MOTION  #334.00-Ps' Mot to Compel Compliance With Ps' Second Set of Regs for Production	No
336.00	05/07/2021	C	TRANSCRIPT  Transcript of 5/6/21 status conference	No
337.00	05/11/2021	D	MOTION FOR STAY  AND NOTICE OF VIOLATION OF DUTY OF CANDOR RESULT: Denied 6/7/2021 HON BARBARA BELLIS	No
337.10	05/19/2021	C	ORDER  briefing schedule RESULT: Order 5/19/2021 HON BARBARA BELLIS	No
337.20	06/07/2021	C	ORDER  RESULT: Denied 6/7/2021 HON BARBARA BELLIS	No
338.00	05/12/2021	P	REPLY MEMORANDUM  Reply Memo in Support of Their Motion for Order Re Procedures for Noticing and Taking Depositions RESULT: Order 5/12/2021 HON BARBARA BELLIS	No

338.10	05/12/2021	C	ORDER  <i>RESULT: Order 5/12/2021 HON BARBARA BELLIS</i>	No
339.00	05/14/2021	P	REPLY  Reply in Support of DN 309, Motion to Re-Compel Compliance <i>RESULT: Order 5/14/2021 HON BARBARA BELLIS</i>	No
339.10	05/14/2021	C	ORDER  <i>RESULT: Order 5/14/2021 HON BARBARA BELLIS</i>	No
340.00	05/19/2021	C	ORDER  filing deadlines from 5/19/21 sistus confernece <i>RESULT: Order 5/19/2021 HON BARBARA BELLIS</i>	No
341.00	05/20/2021	D	OBJECTION RE DISCOVERY OR DISCLOSURE  OBJECTION TO PLAINTIFFS' SECOND SET OF DISCOVERY REQUESTS <i>RESULT: Order 8/24/2021 HON BARBARA BELLIS</i>	No
341.10	07/21/2021	C	ORDER  <i>RESULT: Order 7/21/2021 HON BARBARA BELLIS</i>	No
341.20	08/24/2021	C	ORDER  <i>RESULT: Order 8/24/2021 HON BARBARA BELLIS</i>	No
342.00	05/21/2021	D	MEMORANDUM  Defendants' Supplement to Motion for Stay (Entry No. 337.00)	No
343.00	05/21/2021	D	MOTION FOR PROTECTIVE ORDER PB 13-5  And Objections to Haarmann & Riley Deposition Notices <i>RESULT: Order 6/1/2021 HON BARBARA BELLIS</i>	No
343.10	06/01/2021	C	ORDER  <i>RESULT: Order 6/1/2021 HON BARBARA BELLIS</i>	No
344.00	05/27/2021	P	OBJECTION TO MOTION  Objection to Motion for Protective Order <i>RESULT: Order 6/1/2021 HON BARBARA BELLIS</i>	No
344.10	06/01/2021	C	ORDER  <i>RESULT: Order 6/1/2021 HON BARBARA BELLIS</i>	No
345.00	05/28/2021	P	OBJECTION TO MOTION  Objection to Motion for Stay and Claim of Candor Violation <i>RESULT: Order 6/7/2021 HON BARBARA BELLIS</i>	No
345.10	06/07/2021	C	ORDER  <i>RESULT: Order 6/7/2021 HON BARBARA BELLIS</i>	No
346.00	05/28/2021	P	MOTION TO SUBSTITUTE PARTY  Motion to Substitute Estate of Jeremy Richman for Individual Plaintiff Jeremy Richman <i>RESULT: Order 6/7/2021 HON BARBARA BELLIS</i>	No
346.10	05/29/2021	C	ORDER  <i>RESULT: Order 5/29/2021 HON BARBARA BELLIS</i>	No
346.20	06/07/2021	C	ORDER  <i>RESULT: Order 6/7/2021 HON BARBARA BELLIS</i>	No
347.00	05/28/2021	P	MEMORANDUM IN SUPPORT OF MOTION  Memo of Law in Supp. of Mot. to Substitute Estate of Jeremy Richman for Indiv. Pl. Jeremy Richman	No
348.00	06/01/2021	D	MOTION FOR PROTECTIVE ORDER PB 13-5  Emergency Motion for Protective Order re 6-3-21 production <i>RESULT: Order 6/2/2021 HON BARBARA BELLIS</i>	No
348.10	06/02/2021	C	ORDER  <i>RESULT: Order 6/2/2021 HON BARBARA BELLIS</i>	No
349.00	06/01/2021	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Re Emergency Motion 348.00	Yes
350.00	06/01/2021	D	REPLY MEMORANDUM  Re Motion for Protective Order/Objections Entry No. 343.00 <i>RESULT: Order 6/1/2021 HON BARBARA BELLIS</i>	No
350.10	06/01/2021	C	ORDER  <i>RESULT: Order 6/1/2021 HON BARBARA BELLIS</i>	No
351.00	06/01/2021	P	OBJECTION TO MOTION  Objection to Jones Defendants' Emergency Motion for Protective Order <i>RESULT: Order 6/2/2021 HON BARBARA BELLIS</i>	No
351.10	06/02/2021	C	ORDER  <i>RESULT: Order 6/2/2021 HON BARBARA BELLIS</i>	No


352.00	06/02/2021	P	OBJECTION TO MOTION  Supplement to Objection to Emergency Motion for Protective Order	No
353.00	06/04/2021	D	REPLY MEMORANDUM  In Support of Motion to Strike, Entry 297.00	No
354.00	06/07/2021	D	MEMORANDUM  Response to Motion to Substitute (346.00) <i>RESULT:</i> Order 6/7/2021 HON BARBARA BELLIS	No
354.10	06/07/2021	C	ORDER  <i>RESULT:</i> Order 6/7/2021 HON BARBARA BELLIS	No
355.00	06/07/2021	D	REPLY MEMORANDUM  Re Motion for Stay/Notice of Lack of Candor Entry 337.00 <i>RESULT:</i> Order 6/7/2021 HON BARBARA BELLIS	No
355.10	06/07/2021	C	ORDER  <i>RESULT:</i> Order 6/7/2021 HON BARBARA BELLIS	No
356.00	06/08/2021	P	MOTION TO MODIFY - GENERAL  Motion to Modify Protective Order <i>RESULT:</i> Granted 6/16/2021 HON BARBARA BELLIS	No
356.10	06/16/2021	C	ORDER  <i>RESULT:</i> Granted 6/16/2021 HON BARBARA BELLIS	No
357.00	06/08/2021	P	WITHDRAWAL IN PART  Pl Jennifer Hensel Executrix of Estate of Jeremy Richman withdraws its claims against all defendants	No
358.00	06/08/2021	D	MOTION FOR PROTECTIVE ORDER PB 13-S  Re Corporate Representative Depositions 6/23-24 <i>RESULT:</i> Denied 6/18/2021 HON BARBARA BELLIS	No
358.10	06/16/2021	C	ORDER  <i>RESULT:</i> Order 6/16/2021 HON BARBARA BELLIS	No
358.20	06/18/2021	C	ORDER  <i>RESULT:</i> Denied 6/18/2021 HON BARBARA BELLIS	No
359.00	06/09/2021	P	MOTION FOR EXTENSION OF TIME  Mot for Ext of Time to Object or Otherwise Respond to Re-Notice of Deposition of Richard Coan <i>RESULT:</i> Order 6/11/2021 HON BARBARA BELLIS	No
359.10	06/11/2021	C	ORDER  granted through 7/6/21 motions to be timely filed <i>RESULT:</i> Order 6/11/2021 HON BARBARA BELLIS	No
360.00	06/09/2021	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Re Motion for Extension of Time #359.00 <i>RESULT:</i> Order 6/10/2021 HON BARBARA BELLIS	Yes
360.10	06/10/2021	C	ORDER  <i>RESULT:</i> Order 6/10/2021 HON BARBARA BELLIS	No
361.00	06/10/2021	P	MOTION FOR EXTENSION OF TIME  Mot for Ext of Time to Obj or Otherwise Resp to Re-ND of J. Hensel as Executrix of Est of J. Richman <i>RESULT:</i> Granted 6/16/2021 HON BARBARA BELLIS	No
361.10	06/16/2021	C	ORDER  <i>RESULT:</i> Granted 6/16/2021 HON BARBARA BELLIS	No
362.00	06/11/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Motion for Extension 359.00 <i>RESULT:</i> Order 6/11/2021 HON BARBARA BELLIS	No
362.10	06/11/2021	C	ORDER  see ruling on underlying motion <i>RESULT:</i> Order 6/11/2021 HON BARBARA BELLIS	No
363.00	06/11/2021	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Re Motion for Extension of Time #361.00 <i>RESULT:</i> Order 6/14/2021 HON BARBARA BELLIS	Yes
363.10	06/14/2021	C	ORDER  order re: 6/16/21 due date objection to ext time <i>RESULT:</i> Order 6/14/2021 HON BARBARA BELLIS	No
364.00	06/11/2021	P	MOTION FOR COMMISSION FOR DEPOSITION  <i>RESULT:</i> Order 6/28/2021 HON BARBARA BELLIS	No
364.10	06/16/2021	C	ORDER  <i>RESULT:</i> Order 6/16/2021 HON BARBARA BELLIS	No
























364.20	06/28/2021	C	ORDER  <i>RESULT:</i> Order 6/28/2021 HON BARBARA BELLIS	No
365.00	06/15/2021	D	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Motion re Corp Rep Depositions Entry 358.00	Yes
366.00	06/16/2021	P	MOTION FOR PROTECTIVE ORDER PB 13-5  Re: Defendants' Notice of Deposition of Jennifer Hensel as Executrix of Estate of Jeremy Richman <i>RESULT:</i> Denied 6/30/2021 HON BARBARA BELLIS	No
366.10	06/16/2021	C	ORDER  <i>RESULT:</i> Order 6/16/2021 HON BARBARA BELLIS	No
366.20	06/30/2021	C	ORDER  <i>RESULT:</i> Denied 6/30/2021 HON BARBARA BELLIS	No
367.00	06/16/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Re Executrix Motion for Extension Entry No. 361.00 <i>RESULT:</i> Overruled 6/16/2021 HON BARBARA BELLIS	No
367.10	06/16/2021	C	ORDER  <i>RESULT:</i> Overruled 6/16/2021 HON BARBARA BELLIS	No
368.00	06/16/2021	D	MEMORANDUM  Response to Motion to Modify Entry No. 356.00 <i>RESULT:</i> Order 6/16/2021 HON BARBARA BELLIS	No
368.10	06/16/2021	C	ORDER  <i>RESULT:</i> Order 6/16/2021 HON BARBARA BELLIS	No
369.00	06/16/2021	C	ORDER  due dates for filing protective order <i>RESULT:</i> Order 6/16/2021 HON BARBARA BELLIS	No
369.10	06/16/2021	C	ORDER  order correcting the reply due date <i>RESULT:</i> Order 6/16/2021 HON BARBARA BELLIS	No
370.00	06/16/2021	P	OBJECTION TO MOTION  Objection to Motion for Protective Order Regarding Corporate Designee Deposition Notices re #358.00 <i>RESULT:</i> Sustained 6/18/2021 HON BARBARA BELLIS	No
370.10	06/18/2021	C	ORDER  <i>RESULT:</i> Sustained 6/18/2021 HON BARBARA BELLIS	No
371.00	06/17/2021	P	MOTION FOR COMMISSION FOR DEPOSITION  Motion for Commission to Take Out of State Deposition of Daniel J. Bidondi <i>RESULT:</i> Order 7/2/2021 HON BARBARA BELLIS	No
371.10	07/02/2021	C	ORDER  <i>RESULT:</i> Order 7/2/2021 HON BARBARA BELLIS	No
372.00	06/17/2021	C	TRANSCRIPT  Transcript of 6/16/21 status conference	No
373.00	06/18/2021	D	REPLY MEMORANDUM  Re Corporate Representative Depositions Entry No. 358.00	No
374.00	06/18/2021	P	MOTION FOR PROTECTIVE ORDER PB 13-5  <i>RESULT:</i> Order 7/1/2021 HON BARBARA BELLIS	No
374.10	07/01/2021	C	ORDER  Granted in part and denied in part <i>RESULT:</i> Order 7/1/2021 HON BARBARA BELLIS	No
375.00	06/23/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Motion for Commissions Entry 364.00 <i>RESULT:</i> Order 6/28/2021 HON BARBARA BELLIS	No
375.10	06/28/2021	C	ORDER  <i>RESULT:</i> Order 6/28/2021 HON BARBARA BELLIS	No
376.00	06/25/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Executrix MPO Entry No. 366.00 <i>RESULT:</i> Order 6/30/2021 HON BARBARA BELLIS	No
376.10	06/30/2021	C	ORDER  <i>RESULT:</i> Order 6/30/2021 HON BARBARA BELLIS	No
377.00	06/28/2021	D	NOTICE OF COMPLIANCE  Compliance with First Special Discovery Requests Entry 159.00	No
378.00	06/28/2021	D	MOTION FOR COMMISSION FOR DEPOSITION  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No

378.10	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
379.00	06/28/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Motion re Plaintiff Deposition Entry No 374.00 <i>RESULT:</i> Order 6/30/2021 HON BARBARA BELLIS	No
379.10	06/30/2021	C	ORDER  see ruling on underlying motion <i>RESULT:</i> Order 6/30/2021 HON BARBARA BELLIS Last Updated: Additional Description - 06/30/2021	No
380.00	06/28/2021	P	REPLY  Reply In Supp of Ps' Mots for Comm to Take Out of State Depos	No
381.00	06/29/2021	P	REPLY  ISO Ps Mot for Prot Ord Against Jones Ds ND J. Hensel as Exec of W/D P Estate of Jeremy Richman	No
382.00	06/30/2021	P	REPLY  ISO Motion for Protective Order Regarding Ps' Depositions	No
383.00	06/30/2021	P	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13  Answer and Respond to Jones Defendants' ROGS and RFPS dated May 14, 2021 <i>RESULT:</i> Order 7/9/2021 HON BARBARA BELLIS	No
383.10	07/02/2021	C	ORDER  objection due 7/9/21 <i>RESULT:</i> Order 7/2/2021 HON BARBARA BELLIS	No
383.20	07/09/2021	C	ORDER  Discovery deadlines <i>RESULT:</i> Order 7/9/2021 HON BARBARA BELLIS	No
384.00	07/01/2021	D	MOTION FOR COMMISSION FOR DEPOSITION  OUT OF STATE	No
385.00	07/01/2021	D	MOTION FOR COMMISSION FOR DEPOSITION  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
385.10	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
385.20	08/04/2021	C	ORDER  <i>RESULT:</i> Denied 8/4/2021 HON BARBARA BELLIS	No
386.00	07/02/2021	D	MEMORANDUM  Response to Motion for Commission re Bidondi Entry No. 371.00	No
387.00	07/02/2021	C	ORDER  Genesis strik filing dates <i>RESULT:</i> Order 7/2/2021 HON BARBARA BELLIS	No
388.00	07/02/2021	C	ORDER  Plaintiffs' sanctions filing due dates <i>RESULT:</i> Order 7/2/2021 HON BARBARA BELLIS	No
389.00	07/02/2021	C	ORDER  Court's ruling on deposition settlement questions <i>RESULT:</i> Order 7/2/2021 HON BARBARA BELLIS	No
390.00	07/06/2021	P	MOTION FOR COMMISSION FOR DEPOSITION  Motion for Commission to Take Out-of-State Deposition (Kurt Nimmo) <i>RESULT:</i> Granted 7/21/2021 HON BARBARA BELLIS	No
390.10	07/21/2021	C	ORDER  <i>RESULT:</i> Granted 7/21/2021 HON BARBARA BELLIS	No
391.00	07/06/2021	P	MOTION FOR COMMISSION FOR DEPOSITION  Motion for Commission to Take Out of State Deposition of Timothy Fruge	No
392.00	07/06/2021	P	MOTION FOR SANCTIONS - PB SEC 13-4 (EXPERT)  Motion for Sanctions re Confidential Disclosure-07-06-2021	No
393.00	07/06/2021	P	WITHDRAWAL OF MOTION  Motion to Withdraw Motion No. 392.00 - Inadvertently filed under the wrong heading	No
394.00	07/06/2021	P	MOTION FOR ORDER  for Sanctions Based on the Jones Defendants' Violation of the Protective Order <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No

394.10	08/05/2021	C	ORDER  <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
395.00	07/06/2021	P	MOTION FOR ORDER  Motion for Sanctions re Flores Production (Redacted) <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
395.10	07/22/2021	C	ORDER  opposition due 7/27/21, reply due 8/3/21 <i>RESULT:</i> Order 7/22/2021 HON BARBARA BELLIS Last Updated: Additional Description - 07/29/2021	No
395.20	08/06/2021	C	ORDER  See ruling on #426. <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
396.00	07/06/2021	P	MOTION TO SEAL DOCUMENT  Motion to Seal Unredacted Pleading <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	Yes
396.10	07/08/2021	C	ORDER  Hearing on 7/21/21 <i>RESULT:</i> Order 7/8/2021 HON BARBARA BELLIS	No
396.20	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
397.00	07/06/2021	P	MOTION TO QUASH  Motion to Quash and/or for Protective Order re Richard Coan Subpoena Duces Tecum <i>RESULT:</i> Order 8/20/2021 HON BARBARA BELLIS	No
397.10	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
397.20	08/20/2021	C	ORDER  subject matter jurisdiction issue <i>RESULT:</i> Order 8/20/2021 HON BARBARA BELLIS	No
397.30	11/05/2021	C	ORDER  NEW <i>RESULT:</i> Order 11/5/2021 HON BARBARA BELLIS	No
398.00	07/07/2021	C	TRANSCRIPT  Transcript of 7/2/21 status conference	No
399.00	07/07/2021	P	MEMORANDUM  Pls.' Response to Jones Defs.' Motion for Commission for Deposition of Wolfgang Halbig <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
399.10	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
400.00	07/09/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Limited Objection to Motion for Extension Entry No. 383.00 <i>RESULT:</i> Order 7/9/2021 HON BARBARA BELLIS	No
400.10	07/09/2021	C	ORDER  see ruling underlying motion <i>RESULT:</i> Order 7/9/2021 HON BARBARA BELLIS	No
401.00	07/12/2021	P	OBJECTION TO MOTION  Plaintiffs' Objection to the Jones Defendants' Motion for Commission (Hillary Clinton)	No
401.10	08/04/2021	C	ORDER  <i>RESULT:</i> Sustained 8/4/2021 HON BARBARA BELLIS	No
402.00	07/13/2021	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  Plaintiffs' Omnibus Objections to the Infowars Defendants' Interrogatories to Each Plaintiff <i>RESULT:</i> Order 8/21/2021 HON BARBARA BELLIS	No
402.10	08/21/2021	C	ORDER  <i>RESULT:</i> Order 8/21/2021 HON BARBARA BELLIS	No
403.00	07/13/2021	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  Plaintiffs' Omnibus Objections to the Infowars Defendants' Requests for Production to Each Plaintiff <i>RESULT:</i> Order 8/21/2021 HON BARBARA BELLIS	No
403.10	08/21/2021	C	ORDER  <i>RESULT:</i> Order 8/21/2021 HON BARBARA BELLIS	No










404.00	07/13/2021	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  Plaintiff's Supplemental Objection to Infowar Defendants' RFPs (Marital Privilege Objection)	No
405.00	07/13/2021	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  Plaintiffs' Objection to Infowars Defendants' RFPs for Jennifer Hensel (as individual and executrix) <i>RESULT:</i> Order 8/22/2021 HON BARBARA BELLIS	No
405.10	08/22/2021	C	ORDER  <i>RESULT:</i> Order 8/22/2021 HON BARBARA BELLIS	No
406.00	07/16/2021	P	MOTION FOR COMMISSION FOR DEPOSITION  Supplemental Motion for Commission for OOS Depo. of Timothy Fruge 7-16-21 <i>RESULT:</i> Granted 7/21/2021 HON BARBARA BELLIS	No
406.10	07/21/2021	C	ORDER  <i>RESULT:</i> Granted 7/21/2021 HON BARBARA BELLIS	No
407.00	07/16/2021	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  LLC Defendant Objections to 2nd Interrogatories and 3rd RPDs <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
407.10	08/24/2021	C	ORDER  <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
408.00	07/16/2021	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  Alex Jones Objections to 2nd Interrogatories and 3rd RPDs <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
408.10	08/24/2021	C	ORDER  <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
409.00	07/16/2021	P	MOTION FOR PROTECTIVE ORDER  Plaintiff's Motion for Protective Order Limiting Jones Defendants' Deposition Examinations <i>RESULT:</i> Order 7/19/2021 HON BARBARA BELLIS	No
409.10	07/19/2021	C	ORDER  <i>RESULT:</i> Order 7/19/2021 HON BARBARA BELLIS	No
409.15	07/23/2021	C	ORDER  <i>RESULT:</i> Order 7/23/2021 HON BARBARA BELLIS Last Updated: Party Type - 07/23/2021	No
410.00	07/19/2021	D	REPLY  TO MOTION FOR SANCTIONS BASED ON THE JONES DEFEDANTS' VIOLATION OF PROTECTIVE ORDER <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
410.10	08/05/2021	C	ORDER  see ruling on underlying motion <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
411.00	07/20/2021	P	MOTION FOR COMMISSION FOR DEPOSITION  Suppl. Mot. for Commission to Take Out of State Deposition (Robert Jacobson) <i>RESULT:</i> Granted 7/21/2021 HON BARBARA BELLIS	No
411.10	07/21/2021	C	ORDER  <i>RESULT:</i> Granted 7/21/2021 HON BARBARA BELLIS	No
412.00	07/20/2021	P	REPLY  Reply ISO Mot for Sanctions Based on the Jones Ds' Violation of the Protective Order	No
413.00	07/20/2021	P	MEMORANDUM  Plaintiffs' Supplemental Memorandum re: Plaintiffs' Motion to File Unredacted Pleading Under Seal	No
414.00	07/20/2021	P	MOTION TO MODIFY SCHEDULING ORDER  Plaintiffs' MET to Complete Fact Discovery and Disclose Plaintiffs' Experts <i>RESULT:</i> Granted 7/30/2021 HON BARBARA BELLIS	No
414.10	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
414.20	07/30/2021	C	ORDER  <i>RESULT:</i> Granted 7/30/2021 HON BARBARA BELLIS	No
415.00	07/21/2021	D	MEMORANDUM  Response to Motion to Seal Entry No. 396.00	No

416.00	07/21/2021	D	MEMORANDUM  Response to Motions for Commissions Entry No. 390, 391, 406 & 411 <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
416.10	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
417.00	07/21/2021	D	MOTION TO STRIKE  m/strike by defendant Genesis Communications Network	Yes
418.00	07/21/2021	D	MEMORANDUM IN SUPPORT OF MOTION  mem/support m/strike by defendant Genesis Communications Network, Entry 417.00	No
419.00	07/21/2021	C	ORDER  <i>RESULT:</i> Order 7/21/2021 HON BARBARA BELLIS	No
420.00	07/21/2021	P	DOCUMENT SEALED <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS Last Updated: Additional Description - 07/29/2021	No
420.10	08/06/2021	C	ORDER  See ruling on #428. <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
421.00	07/21/2021	C	ORDER SEALING FILE OR DOCUMENT 	Yes
422.00	07/22/2021	C	TRANSCRIPT  July 21, 2021 Hearing	No
423.00	07/22/2021	O	MOTION TO QUASH  <i>RESULT:</i> Order 8/20/2021 HON BARBARA BELLIS	No
423.10	07/23/2021	C	ORDER  objection due 8/6/21 and reply due 8/20/21 <i>RESULT:</i> Order 7/23/2021 HON BARBARA BELLIS	No
423.20	08/20/2021	C	ORDER  subject matter jurisdiction issue <i>RESULT:</i> Order 8/20/2021 HON BARBARA BELLIS	No
424.00	07/23/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Motion to Limit Deposition Examination Entry 409.00	No
424.10	07/23/2021	C	ORDER  <i>RESULT:</i> Order 7/23/2021 HON BARBARA BELLIS	No
425.00	07/23/2021	O	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  <i>RESULT:</i> Order 7/23/2021 HON BARBARA BELLIS	Yes
425.10	07/23/2021	C	ORDER  Objection due 8/6/21 and reply due 8/20/21 <i>RESULT:</i> Order 7/23/2021 HON BARBARA BELLIS Last Updated: Additional Description - 07/26/2021	No
426.00	07/26/2021	P	AFFIDAVIT OF ATTEMPT TO RESOLVE DISCOVERY OBJECTION  Affidavit Re Attempts to Resolve the Jones Ds' Objs to Ps' Second Reqs for Production	No
427.00	07/27/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Objection to Plaintiffs Motion for Sanction Entry No. 395.00 <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
427.10	08/06/2021	C	ORDER  See ruling on #428. <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
428.00	07/27/2021	P	MOTION FOR ORDER  Amended Motion for Sanctions re Flores Production (Partially Redacted DN 395.00) <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
428.10	08/06/2021	C	ORDER  part 1 <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS Last Updated: Additional Description - 08/06/2021	No
428.11	08/06/2021	C	ORDER  part 2 <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
429.00	07/28/2021	P	MOTION FOR EXTENSION OF TIME  Motion for Extension of Time to File Objection to D Genesis' Motion to Strike <i>RESULT:</i> Granted 8/17/2021 HON BARBARA BELLIS	No
429.10	08/17/2021	C	ORDER  <i>RESULT:</i> Granted 8/17/2021 HON BARBARA BELLIS	No





430.00	07/30/2021	D	MEMORANDUM  Response to Motion for Extension of Time (Entry No. 414.00) <i>RESULT:</i> Order 7/30/2021 HON BARBARA BELLIS	No
430.10	07/30/2021	C	ORDER  <i>RESULT:</i> Order 7/30/2021 HON BARBARA BELLIS	No
431.00	08/03/2021	D	REPLY MEMORANDUM  Reply re Motion for Commission (Clinton) Entry No 384.00 & 385.00	No
431.10	08/04/2021	C	ORDER  <i>RESULT:</i> Order 8/4/2021 HON BARBARA BELLIS	No
432.00	08/03/2021	P	DOCUMENT SEALED <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
432.10	08/05/2021	C	ORDER  See 7/21/21 court order <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
433.00	08/03/2021	P	REPLY  ISO Plaintiffs' Motion for Sanctions (DN 395.00) (corrected redaction) <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
433.10	08/06/2021	C	ORDER  see ruling on underlying motion <i>RESULT:</i> Order 8/6/2021 HON BARBARA BELLIS	No
434.00	08/04/2021	P	WITHDRAWAL OF MOTION  Withdrawal of DN 432.00 Reply ISO Plaintiffs' Motion for Sanctions (due to redaction error)	No
435.00	08/04/2021	P	MOTION TO MODIFY SCHEDULING ORDER  <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
435.10	08/05/2021	C	ORDER  <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
436.00	08/04/2021	P	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13  re: Service of Compliance to Jones Defts. Rogs. and Non ESI and Non Medical Record Disc. <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
436.10	08/05/2021	C	ORDER  see ruling on motion to modify <i>RESULT:</i> Order 8/5/2021 HON BARBARA BELLIS	No
437.00	08/04/2021	P	REQUEST FOR ADJUDICATION OF DISCOVERY OR DEPOSITION DISPUTE (JD-CV-119)  re: Motion for Extension of Time Motion No. 436.00	No
438.00	08/06/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Partial Opposition to Motion for Extension (Entry No. 436.00)	No
439.00	08/06/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Motions to Quash Subpoena to Trustee (397.00 & 423.00)	No
439.10	11/05/2021	C	ORDER  NEW see ruling on underlying motion <i>RESULT:</i> Order 11/5/2021 HON BARBARA BELLIS	No
440.00	08/09/2021	D	MOTION FOR PERMISSION TO FILE BRIEF  For Leave to File Surreply re Motion for Sanction (395.00) <i>RESULT:</i> Denied 8/24/2021 HON BARBARA BELLIS	No
440.10	08/24/2021	C	ORDER  Moot <i>RESULT:</i> Denied 8/24/2021 HON BARBARA BELLIS	No
441.00	08/10/2021	P	MOTION FOR CLARIFICATION-COURT ORDER 	No
442.00	08/10/2021	P	OBJECTION TO MOTION  Limited Opposition to the Jones Ds' Mot for Leave to File Surreply in Opp to Motion for Sanctions <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
442.10	08/24/2021	C	ORDER  see ruling on underlying motion <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
443.00	08/12/2021	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  PB Sec 13-10 Notice of Claim of Objections for Adjudication with Attached Affidavit	Yes
444.00	08/13/2021	D	AFFIDAVIT OF ATTEMPT TO RESOLVE DISCOVERY OBJECTION  Re Plaintiffs Objections (Entry Nos. 397, 402, 403, 404, 405)	No

445.00	08/17/2021	D	MOTION TO DISMISS PB 10-30  Dismiss Lafferty for Lack of Subject Matter Jurisdiction <i>RESULT:</i> Denied 10/20/2021 HON BARBARA BELLIS	Yes
445.10	08/24/2021	C	ORDER  objection 9/17, reply 10/1, argued 10/20 <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
445.20	10/20/2021	C	ORDER  Denied with explanation <i>RESULT:</i> Denied 10/20/2021 HON BARBARA BELLIS	No
446.00	08/17/2021	D	MEMORANDUM IN SUPPORT OF MOTION  In Support of Motion to Dismiss (Entry No. 445.00)	No
447.00	08/17/2021	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Plaintiffs' Request for Adjudication re: DN 429.00 (MET to file Objection to Genesis Mot to Strike)	Yes
448.00	08/20/2021	P	NOTICE  Pls? Resp. to Defs. Notice of Filing Claim of Obj. for Adjudication	No
449.00	08/20/2021	P	NOTICE  Notice of Filing Corrected Affidavit for DN 448.00	No
450.00	08/24/2021	P	MOTION FOR ORDER  For Sanctions RE: Google Analytics & Social Media Data <i>RESULT:</i> Order 9/30/2021 HON BARBARA BELLIS	No
450.10	08/24/2021	C	ORDER  objection 9/14, reply 9/23, surreply 9/25 <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
450.20	09/30/2021	C	ORDER  <i>RESULT:</i> Order 9/30/2021 HON BARBARA BELLIS	No
450.21	09/30/2021	C	ORDER  order 450.20 continued <i>RESULT:</i> Order 9/30/2021 HON BARBARA BELLIS	No
451.00	08/24/2021	C	ORDER  D brief 9/9, P brief 9/24, reply 10/1 <i>RESULT:</i> Order 8/24/2021 HON BARBARA BELLIS	No
452.00	08/24/2021	P	MOTION TO SEAL DOCUMENT  Plaintiffs' Motion to Seal Unredacted Pleading (450.00) <i>RESULT:</i> Withdrawn 9/23/2021 HON BARBARA BELLIS	Yes
452.10	09/23/2021	C	ORDER  <i>RESULT:</i> Withdrawn 9/23/2021 HON BARBARA BELLIS	No
453.00	08/25/2021	P	OBJECTION TO MOTION  Plaintiffs' Objection to Genesis Defendant's Motion to Strike (DN 417.00)	No
454.00	09/02/2021	D	NOTICE  Notice of Receipt of Settlement Documents	No
455.00	09/07/2021	P	MOTION TO SEAL DOCUMENT  Motion for Order Regarding and to Seal the Jones Defendants' Notice of Possession of Documents <i>RESULT:</i> Order 10/20/2021 HON BARBARA BELLIS Last Updated: Additional Description - 09/08/2021	Yes
455.10	09/23/2021	C	ORDER  objection due 10/7, reply due 10/12 <i>RESULT:</i> Order 9/23/2021 HON BARBARA BELLIS	No
455.20	10/20/2021	C	ORDER  <i>RESULT:</i> Order 10/20/2021 HON BARBARA BELLIS	No
456.00	09/09/2021	D	MOTION FOR ORDER  Motion for Order to Overrule Objections to RPD 2 and 3 <i>RESULT:</i> Order 10/1/2021 HON BARBARA BELLIS	No
456.10	10/01/2021	C	ORDER  <i>RESULT:</i> Order 10/1/2021 HON BARBARA BELLIS	No
457.00	09/09/2021	P	MOTION FOR ORDER  Plaintiffs' Motion for Sanctions re Manufactured Trial Balances <i>RESULT:</i> Order 9/23/2021 HON BARBARA BELLIS	No
457.10	09/23/2021	C	ORDER  objection due 10/7, reply due 10/15 <i>RESULT:</i> Order 9/23/2021 HON BARBARA BELLIS	No

458.00	09/14/2021	D	MEMORANDUM IN OPPOSITION TO MOTION Opposition to Motion for Sanctions re Analytics Entry No. 450.00 <i>RESULT:</i> Order 9/30/2021 HON BARBARA BELLIS	No
458.10	09/30/2021	C	ORDER see ruling on underlying motion <i>RESULT:</i> Order 9/30/2021 HON BARBARA BELLIS	No
459.00	09/16/2021	P	MOTION TO SUBSTITUTE PARTY PI E. Lafferty's Mot to Subst R. Coan, Trustee of the Bkrptcy Est for Indiv PI E. Lafferty <i>RESULT:</i> Granted 10/20/2021 HON BARBARA BELLIS	No
459.10	09/23/2021	C	ORDER objection due 10/7, reply due 10/15 <i>RESULT:</i> Order 9/23/2021 HON BARBARA BELLIS	No
459.20	10/20/2021	C	ORDER <i>RESULT:</i> Granted 10/20/2021 HON BARBARA BELLIS	No
460.00	09/16/2021	P	MEMORANDUM IN SUPPORT OF MOTION Me in Sup of PI E. Lafferty's Mot to Sub R. Coan, Trust. of the Bkrpt. Est for Indiv PI E. Lafferty	No
461.00	09/17/2021	P	OBJECTION TO MOTION Plaintiffs' Objection to Jones Defendants' Motion to Dismiss (DN 445)	No
462.00	09/17/2021	P	OBJECTION TO MOTION Plaintiffs' Objection to Jones Defendants' Motion to Dismiss (DN 445) (corrected caption) <i>RESULT:</i> Sustained 10/20/2021 HON BARBARA BELLIS	No
462.10	10/20/2021	C	ORDER <i>RESULT:</i> Sustained 10/20/2021 HON BARBARA BELLIS	No
463.00	09/17/2021	P	WITHDRAWAL OF OBJECTION Withdrawal of DN 461.00 (due to incorrect caption)	No
464.00	09/20/2021	C	TRANSCRIPT Transcript of 9/17/21 telephonic conference call	No
465.00	09/22/2021	D	REPLY MEMORANDUM Defendant Genesis's reply to entry 453.00, objection to m/strike	No
466.00	09/22/2021	P	MOTION TO STRIKE Plaintiffs' Motion to Strike Genesis's Late Reply Brief (DN 465.00) <i>RESULT:</i> Denied 9/23/2021 HON BARBARA BELLIS	Yes
466.10	09/23/2021	C	ORDER <i>RESULT:</i> Denied 9/23/2021 HON BARBARA BELLIS	No
467.00	09/22/2021	D	OBJECTION TO MOTION objection to entry 466.00, m/strike reply <i>RESULT:</i> Sustained 9/23/2021 HON BARBARA BELLIS	No
467.10	09/23/2021	C	ORDER <i>RESULT:</i> Sustained 9/23/2021 HON BARBARA BELLIS	No
468.00	09/23/2021	P	REPLY Plaintiffs' Reply ISO Plaintiffs' Motion for Sanctions re Google Analytics (450.00)	No
469.00	09/23/2021	D	NOTICE Notice of Filing Trial Court Decision re Entry 456.00	No
470.00	09/23/2021	D	MEMORANDUM Response to Motion to Seal Entry No. 452.00	No
471.00	09/23/2021	P	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO COMPLETE PRODUCTION OF ESI AND MEDICAL RECORDS <i>RESULT:</i> Order 10/5/2021 HON BARBARA BELLIS	No
471.10	09/23/2021	C	ORDER objection due 10/1, reply due 10/5 <i>RESULT:</i> Order 9/23/2021 HON BARBARA BELLIS	No
471.20	10/05/2021	C	ORDER granted as to supp. compliance/ PB13-15 cont duty <i>RESULT:</i> Order 10/5/2021 HON BARBARA BELLIS	No
472.00	09/24/2021	D	MOTION FOR PERMISSION TO FILE BRIEF Surreply to Motion for Sanctions Entry 450.00 <i>RESULT:</i> Granted 9/25/2021 HON BARBARA BELLIS	No

472.10	09/25/2021	C	ORDER  <i>RESULT:</i> Granted 9/25/2021 HON BARBARA BELLIS	No
473.00	09/24/2021	P	OBJECTION RE DISCOVERY OR DISCLOSURE  Plaintiffs' Objection to Jones Defendants' Motion to Overrule Objection to RFPs 2 & 3 (DN 456) <i>RESULT:</i> Order 10/1/2021 HON BARBARA BELLIS	No
473.10	10/01/2021	C	ORDER  See ruling on underlying motion. <i>RESULT:</i> Order 10/1/2021 HON BARBARA BELLIS	No
474.00	09/27/2021	C	TRANSCRIPT  Transcript of 8/24/21 status conference	No
475.00	09/30/2021	P	MOTION FOR PERMISSION TO FILE BRIEF  To file objections to Reiland Affidavit	No
476.00	10/01/2021	D	REPLY MEMORANDUM  Reply re Motion to Overrule - Entry 458.00 <i>RESULT:</i> Order 10/1/2021 HON BARBARA BELLIS	No
476.10	10/01/2021	C	ORDER  See ruling on underlying motion. <i>RESULT:</i> Order 10/1/2021 HON BARBARA BELLIS	No
477.00	10/01/2021	D	REPLY MEMORANDUM  Reply re Motion to Dismiss Lafferty - Entry 445.00	No
478.00	10/01/2021	D	MEMORANDUM  Response to Motion for Extension--Entry 471.00 <i>RESULT:</i> Order 10/5/2021 HON BARBARA BELLIS	No
478.10	10/05/2021	C	ORDER  see ruling on underlying motion <i>RESULT:</i> Order 10/5/2021 HON BARBARA BELLIS	No
479.00	10/01/2021	P	NOTICE OF COMPLIANCE  Erica Lafferty's Responses to Defendants' Interrogatories Dated May 14, 2021	No
480.00	10/01/2021	P	NOTICE OF COMPLIANCE  William Aldenberg's Responses to Defendants' Interrogatories Dated May 14, 2021	No
481.00	10/01/2021	P	NOTICE OF COMPLIANCE  David Wheeler's Responses to Defendants' Interrogatories Dated May 14, 2021	No
482.00	10/01/2021	P	NOTICE OF COMPLIANCE  Jillian Soto-Marino's Responses to Defendants' Interrogatories Dated May 14, 2021	No
483.00	10/01/2021	P	NOTICE OF COMPLIANCE  Carlos M. Soto's Responses to Defendants' Interrogatories Dated May 14, 2021	No
484.00	10/01/2021	P	NOTICE OF COMPLIANCE  Carlos Soto-Paris's Responses to Defendants' Interrogatories Dated May 14, 2021	No
485.00	10/01/2021	P	NOTICE OF COMPLIANCE  Francine Wheeler's Responses to Defendants' Interrogatories Dated May 14, 2021	No
486.00	10/01/2021	P	NOTICE OF COMPLIANCE  Donna Soto's Responses to Defendants' Interrogatories Dated May 14, 2021	No
487.00	10/01/2021	P	NOTICE OF COMPLIANCE  Jennifer Hensel's Responses to Defendants' Interrogatories Dated May 14, 2021	No
488.00	10/01/2021	P	NOTICE OF COMPLIANCE  Jacqueline Bardens's Responses to Defendants' Interrogatories Dated May 14, 2021	No
489.00	10/01/2021	P	NOTICE OF COMPLIANCE  Ian Hockley's Responses to Defendants' Interrogatories Dated May 14, 2021	No
490.00	10/01/2021	P	NOTICE OF COMPLIANCE  Nicole Hockley's Responses to Defendants' Interrogatories Dated May 14, 2021	No
491.00	10/01/2021	P	NOTICE OF COMPLIANCE  Mark Bardens's Responses to Defendants' Interrogatories Dated May 14, 2021	No

492.00	10/01/2021	P	NOTICE OF COMPLIANCE  Carlee Soto-Paris's Responses to Defendants' Interrogatories Dated May 14, 2021	No
493.00	10/01/2021	P	WITHDRAWAL IN PART  Withdrawal of DN 484.00 (due to typo in docket description)	No
494.00	10/05/2021	P	MOTION FOR PROTECTIVE ORDER  Motion for Additional Protective Measures to Protect Plaintiffs' Disclosures RESULT: Order 10/8/2021 HON BARBARA BELLIS	No
494.10	10/05/2021	C	ORDER  objection due 10/8/21 by noon, no reply RESULT: Order 10/5/2021 HON BARBARA BELLIS Last Updated: Additional Description - 10/05/2021	No
494.20	10/08/2021	C	ORDER  RESULT: Order 10/8/2021 HON BARBARA BELLIS	No
495.00	10/05/2021	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CJ-77)  Request for Adjudication re DN 494.00	Yes
496.00	10/05/2021	C	TRANSCRIPT  Transcript of 9/23/21 hearing / status conference	No
497.00	10/05/2021	P	REPLY  Reply In Support Of Ps' Motion for Ext of Time to Complete Production of ESI and Medical Records	No
498.00	10/07/2021	P	MEMORANDUM  Memorandum in Support of Default Based on the Jones Defendants' Litigation Misconduct	No
499.00	10/07/2021	C	ORDER  re: 10/20/21 hearing on seal/dismiss/sanctions RESULT: Order 10/7/2021 HON BARBARA BELLIS	No
500.00	09/29/2021	O	DEPOSIT RECEIVED 	No
501.00	10/07/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Objection to Motion to Substitute Trustee - Entry 459.00 RESULT: Order 10/20/2021 HON BARBARA BELLIS	No
501.10	10/20/2021	C	ORDER  See ruling on underlying motion. RESULT: Order 10/20/2021 HON BARBARA BELLIS	No
502.00	10/07/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Objection to Motion for Sanctions re Trial Balances - Entry 457.00	No
503.00	10/07/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Objection to Motion to Seal Notice - Entry 455.00 RESULT: Order 10/20/2021 HON BARBARA BELLIS	No
503.10	10/20/2021	C	ORDER  See ruling on underlying motion. RESULT: Order 10/20/2021 HON BARBARA BELLIS	No
504.00	10/08/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to Motion for Protective Measures - Entry 494.00 RESULT: Order 10/8/2021 HON BARBARA BELLIS	No
504.10	10/08/2021	C	ORDER  RESULT: Order 10/8/2021 HON BARBARA BELLIS	No
505.00	10/12/2021	D	NOTICE OF COMPLIANCE  Jones Defendants' Responses to Plaintiffs' Discovery Requests	No
506.00	10/12/2021	P	NOTICE OF COMPLIANCE  David Wheeler's Notice of Compliance Dated 10/8/21 (RE: Defendants' Requests for Production)	No
507.00	10/12/2021	P	NOTICE OF COMPLIANCE  Jacqueline Barden's Notice of Compliance Dated 10/8/21 (RE: Defendants' Requests for Production)	No
508.00	10/12/2021	P	NOTICE OF COMPLIANCE  William Aldenberg's Notice of Compliance Dated 10/8/21 (RE: Defendants' Requests for Production)	No
509.00	10/12/2021	P	REPLY  Re: Plaintiffs' Motion to Seal (455.00) the Jones Defendants' Notice of Possession of Documents	No

510.00	10/14/2021	D	MOTION TO SEAL DOCUMENT  and Notice of Lodging Jacobson Deposition Transcript RESULT: Order 10/20/2021 HON BARBARA BELLIS Last Updated: Party Type - 10/14/2021	Yes
510.10	10/20/2021	C	ORDER  Any objection must be filed on or before 11/3/21 RESULT: Order 10/20/2021 HON BARBARA BELLIS	No
511.00	10/15/2021	P	MOTION FOR EXTENSION OF TIME  Plaintiffs' Motion for One-Day Extension Of Time to file Reply to DN 502.00 RESULT: Order 10/15/2021 HON BARBARA BELLIS	No
511.10	10/15/2021	C	ORDER  One day extension granted over objection. RESULT: Order 10/15/2021 HON BARBARA BELLIS	No
511.11	10/15/2021	C	ORDER  Supp. order 10/20/21 due date RESULT: Order 10/15/2021 HON BARBARA BELLIS	No
512.00	10/15/2021	P	REQUEST FOR ADJUDICATION COMPLEX LITIGATION (JD-CL-77)  Plaintiffs' Request for Adjudication re: DN 511.00 (One-day MET for Reply re Trial Balances)	Yes
513.00	10/15/2021	P	REPLY  Plaintiffs' Reply ISO Motion to Substitute R. Coan, Trustee for Plaintiff Erica Lafferty (DN 459.00)	No
514.00	10/18/2021	P	REPLY MEMORANDUM  Plaintiffs' Reply Re Manufactured Trial Balances (DN 457.00 & DN 502.00)	No
515.00	10/18/2021	P	MOTION TO SEAL DOCUMENT  Motion to Seal Unredacted Pleading (DN 514.00) RESULT: Order 10/20/2021 HON BARBARA BELLIS Last Updated: Party Type - 10/19/2021	Yes
515.10	10/20/2021	C	ORDER  Any objection must be filed on or before 11/3/21 RESULT: Order 10/20/2021 HON BARBARA BELLIS	No
516.00	10/19/2021	C	ORDER  subpoena due date 5:00 pm 10/19/21 RESULT: Order 10/19/2021 HON BARBARA BELLIS	No
517.00	10/19/2021	P	NOTICE  Plaintiffs' Notice of Filing Copy of R. Jacobson's Subpoena (pursuant to DN 516.00)	No
518.00	10/20/2021	D	MEMORANDUM IN OPPOSITION TO MOTION  Opposition to request for entry of default (Entry No. 498.00)	No
519.00	10/20/2021	D	MOTION FOR ORDER  TO RECUSE JUDGE BELLIS RESULT: Order 11/4/2021 HON BARBARA BELLIS	No
519.10	10/21/2021	C	ORDER  Response due 10/27/21, reply due 11/3/21 RESULT: Order 10/21/2021 HON BARBARA BELLIS	No
519.20	11/04/2021	C	ORDER  NEW RESULT: Order 11/4/2021 HON BARBARA BELLIS	No
520.00	10/20/2021	D	AFFIDAVIT  IN SUPPORT OF MOTION TO RECUSE JUDGE BELLIS	No
521.00	10/20/2021	D	AFFIDAVIT 	No
522.00	10/20/2021	D	MOTION FOR PERMISSION TO FILE BRIEF  For Leave to File Surreply re Trial Balances (Entry No. 457.00) -Redacted RESULT: Granted 10/20/2021 HON BARBARA BELLIS	No
522.10	10/20/2021	C	ORDER  RESULT: Granted 10/20/2021 HON BARBARA BELLIS	No
523.00	10/21/2021	D	MOTION TO SEAL DOCUMENT  Re Unredacted Affidavit of Robert Roe (Entry 522.00) Last Updated: Party Type - 10/21/2021	Yes
524.00	10/21/2021	C	ORDER  Show cause hearing notification RESULT: Order 10/21/2021 HON BARBARA BELLIS	No
525.00	10/22/2021	C	TRANSCRIPT  10/20/21 hearing transcript	No

526.00	10/22/2021	C	ORDER  order re: 11/5/21 and 11/17/21 hearings RESULT: Order 10/22/2021 HON BARBARA BELLIS	No
527.00	10/22/2021	P	MOTION FOR ORDER  For Sanctions RE: Google Analytics & Social Media Data (Unredacted Version of DN 450.00)	No
528.00	10/22/2021	D	MOTION FOR PROTECTIVE ORDER PB 13-S  Re Questions to Joshua Owens RESULT: Denied 10/22/2021 HON BARBARA BELLIS	No
528.10	10/22/2021	C	ORDER  Denied RESULT: Denied 10/22/2021 HON BARBARA BELLIS	No
529.00	10/22/2021	P	MOTION FOR ORDER  To Allow Deposition Questioning (and Objection to Defendants' Motion for Protective Order) RESULT: Granted 10/22/2021 HON BARBARA BELLIS	No
529.10	10/22/2021	C	ORDER  see ruling on underlying motion RESULT: Granted 10/22/2021 HON BARBARA BELLIS	No
530.00	10/22/2021	P	MOTION TO SEAL DOCUMENT  Plaintiffs' Motion to Seal Unredacted Pleading (DN 529.00) Last Updated: Party Type - 10/25/2021	Yes
531.00	10/22/2021	P	NOTICE OF COMPLIANCE  Mark Barden's Notice of Compliance Dated 10/22/21	No
532.00	10/22/2021	P	NOTICE OF COMPLIANCE  Francine Wheeler's Notice of Compliance Dated 10/22/21 (RE: Defendants' Requests for Production)	No
533.00	10/25/2021	P	NOTICE  Plaintiffs' Notice of Violation of the Protective Order	No
534.00	10/26/2021	D	MEMORANDUM  Response to purported Notice of Violation (Entry 533.00)	No
535.00	10/26/2021	C	ORDER  R. Jacobson depo to Chief Disciplinary Counsel RESULT: Order 10/26/2021 HON BARBARA BELLIS	No
536.00	10/26/2021	O	MOTION TO INTERVENE  motion intervene & motion recuse Judge Bellis RESULT: Rejected 10/27/2021 HON BARBARA BELLIS Last Updated: Additional Description - 10/26/2021	No
536.10	10/27/2021	C	ORDER  RESULT: Rejected 10/27/2021 HON BARBARA BELLIS	No
537.00	10/26/2021	P	MOTION FOR PERMISSION TO FILE BRIEF  For Leave to File Attached Surreply Re Manufactured Trial Balances (DN 457.00) RESULT: Granted 10/29/2021 HON BARBARA BELLIS	No
537.10	10/29/2021	C	ORDER   RESULT: Granted 10/29/2021 HON BARBARA BELLIS	No
538.00	10/26/2021	P	MOTION TO SEAL DOCUMENT  Plaintiffs' Motion to Seal Unredacted Pleading (DN 537.00) Last Updated: Party Type - 10/27/2021	Yes
539.00	10/27/2021	D	MEMORANDUM  Defendant Genesis Communication's response concerning motion to intervene, entry 536.00	No
540.00	10/27/2021	D	MEMORANDUM  Defendant Genesis Communications's response to codefendants m/recuse, entry 519.00	No
541.00	10/27/2021	P	MEMORANDUM IN OPPOSITION TO MOTION  Plaintiffs' Memorandum in Opposition to Defendants' Motion to Recuse Judge Bellis (DN 519) RESULT: Order 11/4/2021 HON BARBARA BELLIS	No
541.10	11/04/2021	C	ORDER   See ruling on underlying motion RESULT: Order 11/4/2021 HON BARBARA BELLIS Last Updated: Additional Description - 11/04/2021	No
542.00	10/27/2021	D	EXHIBITS  Statewide Grievance Decision	No

543.00	10/28/2021	D	NOTICE NEW Notice of Filing Grievance Decision re Entry Nos. 519.10 & 542.00	No
544.00	10/28/2021	D	EXHIBITS NEW A-P AS AN ATTACHMENT TO #521 AFFIDAVIT	No
545.00	10/29/2021	D	MEMORANDUM IN OPPOSITION TO MOTION NEW Opposition to Motion for Leave to File Sur-Surreply - Entry 537.00 RESULT: Overruled 10/29/2021 HON BARBARA BELLIS	No
545.10	10/29/2021	C	ORDER NEW RESULT: Overruled 10/29/2021 HON BARBARA BELLIS	No
546.00	10/29/2021	P	NOTICE NEW Notice of Plaintiff R. Coan's Partial Withdrawal of DN 397 & DN 423	No
547.00	11/01/2021	P	MOTION FOR COMMISSION FOR DEPOSITION NEW Plaintiffs' Motion for Commission (Youtube)	No
548.00	11/01/2021	P	MOTION FOR COMMISSION FOR DEPOSITION NEW Plaintiffs' Motion for Commission (Facebook, Inc.)	No
549.00	11/01/2021	P	MOTION FOR COMMISSION FOR DEPOSITION NEW ? Plaintiffs? Motion for Commission (Twitter, Inc.)	No
550.00	11/01/2021	P	MOTION FOR ORDER NEW Motion to Compel Consent to Disclosure of Social Media Data and Analytics	No
551.00	11/03/2021	P	NOTICE NEW Plaintiffs' Notice of Filing Supplemental Exhibit F (Proposed Subpoena) to DN 547.00 (Youtube, LLC)	No
552.00	11/03/2021	P	NOTICE NEW Plaintiffs' Notice of Filing Supplemental Exhibit E (Proposed Subpoena) to DN 548.00 (Facebook, Inc)	No
553.00	11/03/2021	P	NOTICE NEW Plaintiffs' Notice of Filing Supplemental Exhibit E (Proposed Subpoena) to DN 549.00 (Twitter, Inc)	No
554.00	11/03/2021	D	REPLY NEW IN SUPPORT OF MOTION TO RECUSE JUDGE BELLIS	No
555.00	11/03/2021	D	MEMORANDUM NEW Response to Motion to Seal - Entry 515.00	No
556.00	11/04/2021	D	NOTICE OF COMPLIANCE NEW Compliance with document requests to Owen Shroyer	No
557.00	11/04/2021	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 NEW Objections to document requests to Owen Shroyer	No
558.00	11/05/2021	P	NOTICE OF COMPLIANCE NEW Ian Hockley's Notice of Compliance Dated 11/5/21 (RE: Defendants' Requests for Production)	No
559.00	11/05/2021	P	NOTICE OF COMPLIANCE NEW Carlee Soto Parisi's Notice of Compliance Dated 11/5/21 (RE: Defendants' Requests for Production)	No
560.00	11/05/2021	P	NOTICE OF COMPLIANCE NEW Donna Soto's Notice of Compliance Dated 11/5/21 (RE: Defendants' Requests for Production)	No
561.00	11/05/2021	P	NOTICE OF COMPLIANCE NEW David Wheeler's Notice of Supplemental Compliance Dated 11/5/21 (RE: Defendants' IRPs)	No
562.00	11/05/2021	P	NOTICE OF COMPLIANCE NEW Jacqueline Barden's Notice of Supplemental Compliance Dated 11/5/21 (RE: Defendants' IRPs)	No
563.00	11/05/2021	C	ORDER NEW due dates re: #547-553 obj due 11/15, reply 11/19 RESULT: Order 11/5/2021 HON BARBARA BELLIS	No
564.00	11/09/2021	C	TRANSCRIPT NEW Transcript 11/5/21 hearing and status conference	No
565.00	11/09/2021	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 NEW Objections to document requests to Christopher Daniels	No
566.00	11/09/2021	D	NOTICE OF COMPLIANCE NEW Compliance with document requests to Christopher Daniels	No

567.00	11/10/2021	<input type="radio"/> MOTION TO SEAL DOCUMENT NEW	Yes
		Motion to Seal Response to Order to Show Cause	
568.00	11/10/2021	<input type="radio"/> REPLY NEW	No
		Response to 10/20/2021 Order to Show Cause, Entry Nos. 525, 526	

Consolidated Cases			
<u>Docket Number</u>	<u>Case Caption</u>	<u>Disp. Date</u>	<u>Disp. Code</u>
UWY-CV18-6046437S	SHERLACH, WILLIAM v. JONES, ALEX Et Al		
UWY-CV18-6046438S	SHERLACH, WILLIAM Et Al v. JONES, ALEX EMRIC Et Al		

Scheduled Court Dates as of 11/10/2021				
UWY-CV18-6046436-S - LAFFERTY, ERICA Et Al v. JONES, ALEX EMRIC Et Al				
#	Date	Time	Event Description	Status
1	11/15/2021	9:30AM	Remote Hearing	Proceeding
2	11/17/2021	10:00AM	Remote Hearing	Proceeding
3	11/17/2021	10:00AM	Remote Status Conference	Proceeding
4	12/15/2021	10:00AM	Remote Status Conference	Proceeding
5	01/19/2022	10:00AM	Remote Status Conference	Proceeding
6	02/16/2022	10:00AM	Remote Status Conference	Proceeding
7	03/14/2022	10:00AM	Pretrial Conference	Off
8	03/16/2022	10:00AM	Remote Status Conference	Proceeding
9	04/04/2022	10:00AM	Remote Hearing	Off
10	04/18/2022	10:00AM	Remote Trial Management Conference	Off
11	05/03/2022	10:00AM	Jury Selection / Trial	Off
12	05/04/2022	10:00AM	Jury Selection / Trial	Off
13	05/05/2022	10:00AM	Jury Selection / Trial	Off
14	05/06/2022	10:00AM	Jury Selection / Trial	Off
15	05/10/2022	10:00AM	Jury Selection / Trial	Off
16	05/11/2022	10:00AM	Jury Selection / Trial	Off
17	05/12/2022	10:00AM	Jury Selection / Trial	Off
18	05/13/2022	10:00AM	Jury Selection / Trial	Off
19	05/17/2022	10:00AM	Jury Selection / Trial	Off
20	05/18/2022	10:00AM	Jury Selection / Trial	Off
21	05/19/2022	10:00AM	Jury Selection / Trial	Off
22	05/20/2022	10:00AM	Jury Selection / Trial	Off
23	05/24/2022	10:00AM	Jury Selection / Trial	Off
24	05/25/2022	10:00AM	Jury Selection / Trial	Off
25	05/26/2022	10:00AM	Jury Selection / Trial	Off
26	05/27/2022	10:00AM	Jury Selection / Trial	Off
27	06/01/2022	10:00AM	Jury Selection / Trial	Off
28	06/02/2022	10:00AM	Jury Selection / Trial	Off
29	06/03/2022	10:00AM	Jury Selection / Trial	Off
30	06/07/2022	10:00AM	Jury Selection / Trial	Off
31	06/08/2022	10:00AM	Jury Selection / Trial	Off
32	06/09/2022	10:00AM	Jury Selection / Trial	Off
33	06/10/2022	10:00AM	Jury Selection / Trial	Off
34	06/14/2022	10:00AM	Remote Pretrial Conference	Proceeding
35	06/15/2022	10:00AM	Jury Selection / Trial	Off
36	06/16/2022	10:00AM	Jury Selection / Trial	Off
37	06/17/2022	10:00AM	Jury Selection / Trial	Off
38	06/21/2022	10:00AM	Jury Selection / Trial	Off
39	06/22/2022	10:00AM	Jury Selection / Trial	Off

40	06/23/2022	10:00AM	Jury Selection / Trial	Off
41	06/24/2022	10:00AM	Jury Selection / Trial	Off
42	06/28/2022	10:00AM	Jury Selection / Trial	Off
43	06/29/2022	10:00AM	Jury Selection / Trial	Off
44	06/30/2022	10:00AM	Jury Selection / Trial	Off
45	07/01/2022	10:00AM	Jury Selection / Trial	Off
46	07/05/2022	10:00AM	Remote Hearing	Proceeding
47	07/18/2022	10:00AM	Remote Trial Management Conference	Proceeding
48	08/02/2022	10:00AM	Jury Selection / Trial	Proceeding
49	08/03/2022	10:00AM	Jury Selection / Trial	Proceeding
50	08/04/2022	10:00AM	Jury Selection / Trial	Proceeding
51	08/05/2022	10:00AM	Jury Selection / Trial	Proceeding
52	08/09/2022	10:00AM	Jury Selection / Trial	Proceeding
53	08/10/2022	10:00AM	Jury Selection / Trial	Proceeding
54	08/11/2022	10:00AM	Jury Selection / Trial	Proceeding
55	08/12/2022	10:00AM	Jury Selection / Trial	Proceeding
56	08/16/2022	10:00AM	Jury Selection / Trial	Proceeding
57	08/17/2022	10:00AM	Jury Selection / Trial	Proceeding
58	08/18/2022	10:00AM	Jury Selection / Trial	Proceeding
59	08/19/2022	10:00AM	Jury Selection / Trial	Proceeding
60	08/23/2022	10:00AM	Jury Selection / Trial	Proceeding
61	08/24/2022	10:00AM	Jury Selection / Trial	Proceeding
62	08/25/2022	10:00AM	Jury Selection / Trial	Proceeding
63	08/26/2022	10:00AM	Jury Selection / Trial	Proceeding
64	08/30/2022	10:00AM	Jury Selection / Trial	Proceeding
65	08/31/2022	10:00AM	Jury Selection / Trial	Proceeding
66	09/01/2022	10:00AM	Jury Selection / Trial	Proceeding
67	09/02/2022	10:00AM	Jury Selection / Trial	Proceeding
68	09/06/2022	10:00AM	Jury Selection / Trial	Proceeding
69	09/07/2022	10:00AM	Jury Selection / Trial	Proceeding
70	09/08/2022	10:00AM	Jury Selection / Trial	Proceeding
71	09/09/2022	10:00AM	Jury Selection / Trial	Proceeding
72	09/13/2022	10:00AM	Jury Selection / Trial	Proceeding
73	09/14/2022	10:00AM	Jury Selection / Trial	Proceeding
74	09/15/2022	10:00AM	Jury Selection / Trial	Proceeding
75	09/16/2022	10:00AM	Jury Selection / Trial	Proceeding
76	09/20/2022	10:00AM	Jury Selection / Trial	Proceeding
77	09/21/2022	10:00AM	Jury Selection / Trial	Proceeding
78	09/22/2022	10:00AM	Jury Selection / Trial	Proceeding
79	09/23/2022	10:00AM	Jury Selection / Trial	Proceeding
80	09/27/2022	10:00AM	Jury Selection / Trial	Proceeding
81	09/28/2022	10:00AM	Jury Selection / Trial	Proceeding
82	09/29/2022	10:00AM	Jury Selection / Trial	Proceeding
83	09/30/2022	10:00AM	Jury Selection / Trial	Proceeding
84	10/04/2022	10:00AM	Jury Selection / Trial	Proceeding
85	10/05/2022	10:00AM	Jury Selection / Trial	Proceeding
86	10/06/2022	10:00AM	Jury Selection / Trial	Proceeding
87	10/07/2022	10:00AM	Jury Selection / Trial	Proceeding

Judicial ADR events may be heard in a court that is different from the court where the case is filed. To check location information about an ADR event, select the **Notices** tab on the top of the case detail page.

Matters that appear on the Short Calendar and Family Support Magistrate Calendar are shown as

A-32

scheduled court events on this page. The date displayed on this page is the date of the calendar.

All matters on a family support magistrate calendar are presumed ready to go forward.

The status of a Short Calendar matter is not displayed because it is determined by markings made by the parties as required by the calendar notices and the [civil](#) standing orders. Markings made electronically can be viewed by those who have electronic access through the Markings History link on the Civil/Family Menu in E-Services. Markings made by telephone can only be obtained through the clerk's office. If more than one motion is on a single short calendar, the calendar will be listed once on this page. You can see more information on matters appearing on Short Calendars and Family Support Magistrate Calendars by going to the [Civil/Family Case Look-Up](#) page and [Short Calendars By Juris Number](#) or [By Court Location](#).

Periodic changes to terminology that do not affect the status of the case may be made.

This list does not constitute or replace official notice of scheduled court events.

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NO. X06-UWY-CV-18-6046436 S ;	SUPERIOR COURT
ERICA LAFFERTY, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 19, 2021
NO. X06-UWY-CV-18-6046437 S :	SUPERIOR COURT
WILLIAM SHERLACH :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 19, 2021
NO. X06-UWY-CV-18-6046438 S :	SUPERIOR COURT
WILLIAM SHERLACH, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 19, 2021

MOTION TO RECUSE JUDGE BELLIS

Defendants Alex Jones, Free Speech Systems, LLC, Infowars, LLC, Infowars Health, LLC, and Prison Planet TV, LLC, through their counsel, move under Practice Book §§ 1-22, 1-23, and Conn. Gen. Stat. § 51-183 to disqualify Judge Barbara Bellis from hearing this case. The record in the above-captioned matters is rife with the appearance of judicial impropriety. The evolution of the case, including a threat made against Judge Bellis by an unknown third-party that the plaintiffs somehow attribute to Defendants, and the series of subsequent comments and rulings, would lead a reasonable person knowing all the circumstances to question Judge Bellis's impartiality.

Judge Bellis has employed a shifting standard for what constitutes specific, limited, and relevant discovery permitted under Conn. Gen. Stat. §52-196 and the Practice Book. This left Defendants victim to the plaintiffs' tireless campaign to expand the scope of the Court's discovery orders and to attempt to win on technicalities.

A reasonable person observing Defendants scramble to satisfy the shifting discovery standard and arbitrary threshold requirements for the special motion to dismiss and subsequent discovery, only to be ambushed by judicial whim and caprice, would question Judge Bellis's

impartiality in this proceeding. Although the decision terminating the anti-SLAPP motion was upheld by the Connecticut Supreme Court, it must be viewed as part of a course of conduct by a jurist who wound up presiding over multiple Sandy Hook cases involving the same nominal plaintiffs and their lawfirm.

Following the imposition of this sanction, Judge Bellis's rulings continued to demonstrate a high degree of antagonism towards Defendants. For example, at the first status conference following the remand of this action, Judge Bellis reminded counsel for Defendants that the Court referred Defendants' other counsel to the grievance committee (having previously given a pass to Plaintiffs' counsel's unethical pre-trial publicity). Despite being corrected factually, Judge Bellis erroneously claimed that Defendants may have violated Rule 3.3 of the Rules of Professional Conduct, "Candor Towards the Tribunal." The handling of this issue creates the appearance that Judge Bellis has prejudged the truthfulness of Defendants and their counsel. The insidious nature of this prejudice now pervades all aspects of this case, creating the appearance of impropriety that would cause a reasonable person to question Judge Bellis's impartiality. Notably, despite placing such weight on Rule 3.3, Judge Bellis, when apprised of a clear violation of that rule by Plaintiffs' counsel newly stated she did not want the parties to advise of violations. And, oddly, sanctions orders have issued against all moving defendants, even when several of them had nothing to do with the alleged misconduct. A reasonable person would believe Judge Bellis has taken sides.

FACTS

In support of this motion, the undersigned counsel for Defendants submits attached herewith his affidavit setting forth the facts that show grounds for disqualification. The record in this matter is complex and varied, spanning multiple counsel and, at times, weekly status hearings. The attached affidavit sets out the evolution of issues creating the appearance of judicial impropriety. That chronology will not be rehashed here, but summarized, in an effort to prevent Defendants from

becoming the metaphorical frog boiling in a vat of impropriety.

I. Alleged Third-Party Threat Against Judge Bellis

On 21 June 2019 Judge Bellis issued order DN271. That order indicated that the Connecticut State Police notified the court of an ongoing federal investigation related to threatening comments made by unknown third-party/ies about Judge Bellis. The threats were posted to the comments section of a news article published on Defendant Infowars website. Affidavit, para. 16a. The order contained no amplifying information. *Id.* The order indicated that Judge Bellis was not aware of any further information regarding the threat and therefore did not plan to take any further action. *Id.* While there is no reason to doubt that Judge Bellis received limited information from the Connecticut State Police about the ongoing federal investigation, the assertion that the court was not aware of any further information regarding the “threat” is inaccurate.

Since its inception, this matter is replete with plaintiffs’ accusations that every time Defendants make a statement about any matter in public discourse it is in fact a “call to arms” designed to “activate” a network of conspiracy theorists. *See* Compl. ¶¶7, 12-16, 40-57. For example, plaintiffs’ complaint and subsequent arguments on the record refer *ad nauseum* to the actions of a third-party, not related to Defendants. The story goes that, after Defendants ran a news report on the infamous “Pizzagate” conspiracy theory, a third-party traveled to Washington DC and fired 3 rounds from a rifle into a pizzeria. Accordingly, plaintiffs argue, Defendants are responsible for the independent actions of this third-party. *Palsgraf* aside, plaintiffs trot out this *post hoc* fallacy anytime Defendants exercise their First Amendment right to express an opinion. *See e.g.*, Affidavit, para. 15c.

The threat Judge Bellis referenced in order DN271, and its ramifications for this case, lay dormant until the plaintiffs referenced it in a pleading dated 19 August 2019 before the Connecticut Supreme Court. That pleading addressed whether Judge Bellis abused her discretion by ordering a

sanction against Defendants for statements made during a broadcast that the plaintiffs argued were a “true threat” against plaintiffs’ counsel Chris Mattei. That sanction precluded Defendants’ ability to take a special interest appeal under Connecticut’s anti-SLAPP statute, Conn. Gen. Stat. § 52-196a. Affidavit, para. 15a-j. Prior to this filing, neither party addressed the issue of the third-party’s threat to Judge Bellis. Affidavit, para. 16a.

The plaintiffs’ reference to the Judge Bellis threat consists of a single sentence and accompanying footnote. Plaintiff’s claim, “Jones’ audience threatened the judge in this case after the sanctions order issued and Jones turned his fire on her.” *Id.* The accompanying footnote went on to claim:

[a]fter the trial court sanctioned him, Jones posted a broadcast titled “Judicial Tyranny? Judge Says Criticism Of Democrat Lawyers Forbidden.” Shortly after that broadcast was posted, the court filed a notice stating that it had been “contacted by the Connecticut State Police who were reportedly contacted by the FBI regarding threats against the undersigned made by individuals on the defendant Infowars website.” Jones then apparently removed the broadcast; it is no longer accessible via the Infowars website.

Id. at n.22. This text appears in section III.C of the plaintiffs’ brief¹. Section III addressed whether the trial court abused its discretion in considering the broadcast by Alex Jones as a basis for the above-mentioned sanction. Here, plaintiffs argued that the speech in question was a true and immediate threat of violence, a call to his audience to engage in violent acts directed at plaintiffs’ counsel.

In their pleading, the plaintiffs provides a more robust version of the argument that they presented orally during the 18 June 2019 hearing regarding sanctions,

Jones’ audience has a history; he knows it, and so does anyone who reads the news. The trial court recognized that Jones’ broadcast was meant to activate his audience: “it was an intentional, calculated act of rage for his viewing audience.”. . . That audience has threatened and stalked Sandy Hook family members and acted on

¹ The entirety of this section can be found at *Lafferty v. Jones*, Conn. Supreme Court Records & Briefs, First Term, 2019, Plaintiffs’ Brief pp. 28-33.

Jones' promotion of Pizzagate to shoot up the Comet Ping Pong pizza restaurant in Washington D.C. Jones tapped into precisely that history. He called on "the patriots that are left, and 4chan and 8chan, and anonymous," and he summoned an attack: "I summon all of it against the enemy." That Jones' threat of violence says it is to be effectuated by others makes it no less a threat.

Lafferty v. Jones, Conn. Supreme Court Records & Briefs, First Term, 2019, Plaintiffs' Brief p. 30. (Citations omitted). Plaintiffs' pleading continues by citing to a "recently issued" FBI "Field Intelligence Bulletin." This bulletin concludes generally that broadcasts and news reports that "[are] anti-government, [are] identity based, and [pertain to] fringe political conspiracy theories *very likely* motivate some domestic extremists, wholly or in part, to commit criminal and sometimes violent activity." *Id.* (emphasis added). Plaintiffs' pleadings note that the term "'Very likely' is a term of art used by the FBI to mean an 80-95% chance." *Id.* at 31. The pleading goes on to claim that broadcasts and news reports of this type,

very likely encourage the targeting of specific people, places, and organizations, thereby increasing the risk of extremist violence against such targets.... This targeting occurs when promoters of conspiracy theories, claiming to act as 'researchers' or 'investigators,' single out people, businesses, or groups which they falsely accuse of being involved in the imagined scheme. These targets are then subjected to harassment campaigns and threats by supporters of the theory, and become vulnerable to violence or other dangerous acts.

Id.

It is in this context and against this backdrop that the plaintiffs insert the above quoted reference to order DN271. The not-so-subtle implication of the *post hoc* fallacy employed in the plaintiffs' pleadings is clear. Just as the plaintiffs allege the broadcast mentioning Attorney Mattei was a call to Alex Jones' audience to engage in violent acts against plaintiffs' counsel, so too are the plaintiffs alleging that the news article mentioning Judge Bellis was a call to incite violence against the court. Plaintiffs conclude, without providing evidence, that "Jones turned his fire on [Judge Bellis]" insinuating Defendants were somehow responsible for getting his audience to "threaten[] the judge... after the sanctions order issued." Affidavit, para. 16a.

Judge Bellis may have been careful to author order DN271 in a seemingly neutral and detached way—the court was made aware of an FBI investigation “regarding threats against the undersigned by individuals on the defendant Infowars website.” Affidavit, para. 16a. However, the plaintiffs’ accusation removes any shroud of neutrality, raising the specter that Alex Jones had a hand in the threat made against Judge Bellis. Despite offering no evidence to support this argument, from the record it appears that Judge Bellis relied on it, at least in part, to conclude that broadcast was “indefensible, unconscionable, despicable, and possibly criminal behavior.” Affidavit, para. 15jiii1.

II. Evolution Of Discovery Compliance, Sanctions, and Defendants’ Opportunity to Pursue their Special Motion to Dismiss

Conn. Gen. Stat. §52-196 protects defendants facing certain types of lawsuits by allowing them an opportunity to file a special motion to dismiss. While the special motion to dismiss is pending, all discovery is stayed, unless the court “order[s] specified and limited discovery relevant to the special motion to dismiss.” Conn. Gen. Stat. §52-196(d). Initially, Judge Bellis left the parties to work discovery issues out themselves. Unremarkably, plaintiffs sought unlimited discovery and Defendants the opposite. Affidavit, para. 4. Unable to reach an agreement, in order DN148, Judge Bellis overruled all but two of Defendants’ discovery objections without further explanation. Although interlocutory appeal of this order was not permitted, that denial is not an appellate endorsement of the breadth of discovery permitted. Subsequently, Defendants agreed to comply with a discovery deadline of 23 February 2019 at the risk of facing an even shorter deadline. *Id.* Defendants sought an extension due to an inability to meet that deadline. Plaintiffs immediately sought sanctions in the form of an order precluding Defendants from having their special motion to dismiss heard.

From 13 March to 10 April 2019, Defendants’ inability to comply with the broad discovery

order was the sole basis for a potential sanction precluding the special motion to dismiss. Affidavit, para. 6-8. On 13 March, Defendants found themselves without counsel familiar with the record and pleadings, due in part to the surprising denial of a *pro hac vice* application of Defendants' original counsel of choice, a denial that curiously only occurred in this and the Texas Sandy Hook cases. Affidavit, para. 6ai. Although that attorney had been the subject of then-recent discipline, none of it was for litigation conduct, and numerous courts (including Hon. Daniel Klau in Connecticut) have seen fit to admit him *pro hac vice* or as an outright member of the bar since.²

By 22 March, Pattis & Smith, LLC was sole counsel for Defendants and attempting to comply with discovery. At that time, Defendants were still facing the threat of the sanction. Judge Bellis decided to stay her decision on the preclusion sanction, based on representations made by Defendants regarding (1) the impact changes in prior counsel had on discovery compliance and (2) a plan for getting in compliance in short order. Affidavit, para. 7c-d.

By 26 March, Defendants made substantial steps in complying with discovery. Affidavit, para. 8. Judge Bellis, recognizing this, stated the court would take a week to decide the sanctions issue and that any material produced prior to that decision would be considered as to compliance. Affidavit, para. 8c. Opposing counsel affirmatively agreed with this course of action. Affidavit, para. 8d.

By 10 April, with regard to the sanction, Judge Bellis stated "the issue at this point for me is whether there's been substantial good faith compliance or not such that the defendant should be allowed to pursue their special motion to dismiss." Affidavit, para. 9a. "I'm not looking at this point to go through each one individually and address whether—whether every single document has been

² The only other judge to deny him *pro hac vice* admission is the Texas judge presiding over similar Sandy Hook-related matters, despite the Texas Supreme Court having previously permitted him to appear *pro hac vice*. That only the trial court judges overseeing Sandy Hook matters would deprive Defendants of their counsel of choice plays into the reasonable person believing those judges are not impartial.

produced. . . I'm pushed at this point trying to figure out whether there's been finally an—an effort at meeting the discovery obligations.” *Id.* At this hearing, Judge Bellis stated multiple times that Defendants substantially complied with the discovery orders. Affidavit, para. 9c-e. In fact, Judge Bellis expressed this view so strongly that the plaintiffs’ conceded “it’s apparent from the Court’s comments that the Court is satisfied there is at least substantial compliance.” Affidavit, para. 9e.

Despite clearly finding Defendants in substantial compliance with the ordered discovery, Judge Bellis did not address the sanction issue at that time. Rather, plaintiffs raised an issue involving the signature on a discovery related affidavit. Affidavit, para. 9f. Defendants informed the court that an affidavit bearing Alex Jones signature and indicating that signature was made in New Haven was, in fact not signed by Alex Jones. Instead, it was signed in New Haven by an authorized representative after speaking with Alex Jones telephonically. Affidavit, para. 9fii. Thereupon, she ordered a separate hearing to resolve this issue and *sua sponte* incorporated this issue as a potential second basis for a sanction preventing Defendants from having their special motion to dismiss heard:

I am going to have a hearing on that affidavit issue. And I don't think there's any harm in proceeding. I mean, I think this is *substantial compliance* but until I deal with that affidavit issue, I'm not — I'm not going to rule on — I'll take it under advisement; the motion for reconsideration and the motion for sanctions. But I'm going to have the hearing on the affidavit first.

Affidavit, para. 9fvii. (emphasis added).

By the following appearance, the attorney for Defendants already self-referred the matter to the Grievance Committee and filed a corrected affidavit. Affidavit, para. 10b. Despite this, Judge Bellis made a second referral and then sought the plaintiffs’ input on what sanctions should enter against Defendants. Affidavit, para. 10c. Plaintiffs’ reaction captured their surprise at Judge Bellis’s inquiry,

we came here today believing that this issue was one between Counsel and the

Court, frankly. . . we just don't know enough about the circumstances under which that affidavit was made to know whether Mr. Jones's role. . . based on what we know right now, we weren't prepared to argue that.

Affidavit, para. 10d. Judge Bellis prodded the plaintiffs to take a position. Affidavit, para. 10e. The plaintiffs declined and then Judge Bellis ruled "[a]ll right. Then in light of that, I am satisfied with not taking any further action." Affidavit, para. 10e. Ultimately, on 20 December 2019, the Grievance Committee dismissed the complaint related to the affidavit issue, finding it to be a mistake that did not rise to the level of an ethical violation or violate the Rules of Professional Responsibility. Affidavit, para. 17.

At the next hearing, on 7 May, Judge Bellis began by stating:

I do want to just state for the record what is probably clear to everyone at this point. I had said a few times that I thought that there was substantial enough compliance. So in effect I have really extended --had extended the deadlines for the defendant to comply. So that would be my ruling, just for the record, on the issue of the additional time to comply. I understand it's not necessarily 100 percent complete compliance, but I think *I've seen enough of it at this point to afford the defendants the opportunity to pursue their special motion to dismiss.*

Affidavit, para. 11a. (emphasis added). Plaintiffs continued to raise discovery issues, the majority of which did not affect Judge Bellis's decision to allow Defendants to pursue the special motion to dismiss. Affidavit, para. 11b. However, this changed when plaintiffs represented to Judge Bellis that Defendants had not produced Alex Jones' signed interrogatory responses. Judge Bellis, without fully comprehending that the plaintiffs were referring to an early draft of signed interrogatory responses, immediately responded by saying "this is news to me. So here's what I would say on that. *I now retract my prior comments that there has been substantial compliance, good-faith, substantial compliance.*" Affidavit, para. 11d. (emphasis added). Despite ultimately holding that the plaintiffs were not entitled to discovery of the draft interrogatory responses, Judge Bellis took no steps to clarify what ruling stood with regard to whether there had been substantial enough compliance to afford the defendants the opportunity to pursue their special motion to dismiss. Affidavit, para. 11e.

The confusion arising from Judge Bellis's contradictory statements at the 7 May hearing appeared to be resolved by 5 June. At that hearing, plaintiffs continued to raise discovery compliance issues. Affidavit, para. 13a-d. In total, these issues covered 46 transcript pages. Affidavit, para. 13f. At no time did Judge Bellis indicate that any of the issues raised demonstrated that Defendants were not in substantial compliance with the discovery ordered. For example, the plaintiffs took issue with deposition testimony regarding the manner in which Defendants searched for "business marketing plans." In response, Judge Bellis ruled that

unless you have some, you know, a good faith basis and some evidence that in fact the documents do exist, I think that you have to be satisfied with the answers under oath. And no such documents exist is a proper response. . . *This is just full and fair compliance.* And sometimes the answer is going to be it doesn't exist.

Affidavit, para. 13d-e. (emphasis added).

With discovery compliance apparently settled, and believing the next step was litigating the special motion to dismiss, Defendants, requested permission from the court to obtain discovery from the plaintiffs, stating "in our motions we suggested we'd like permission to do a little bit of discovery ourselves." Affidavit, para. 13f. Judge Bellis immediately responded "I'll take that up on the papers" and attempted to silence Defendants. Affidavit, para. 13g-h. When Defendants objected, Judge Bellis terminated the hearing. *Id.*

Following the 5 June hearing, plaintiffs' counsel informed Defendants that they had been the victim of 12 distinct acts of cyber-crime. Affidavit, para. 14e. An unidentified third-party or parties sent emails to Defendants with attachments hiding child pornography. Affidavit, para. 14b-d. The child pornography was embedded in email metadata demanded by the plaintiffs and ordered to be produced within 14 days. Affidavit, para. 14a. Initially, only a single image was located after an "electronic storage information expert" retained by the plaintiffs scoured the metadata of approximately 58,000 emails for over 15 days. Affidavit, para. 14a-b. Based on this, plaintiffs then

provided the data to the FBI, who immediately spent an additional 6 days combing through the metadata, finding 11 additional hidden images of child pornography. Affidavit, para. 14c-d. Once the FBI and DOJ concluded their investigation, they informed plaintiffs' counsel of the results and then plaintiffs' counsel contacted counsel for Defendants. Affidavit, para. 14e.

When Defendants discovered a third-party or parties attempted to frame them for possession of child pornography they were understandably enraged. Affidavit, para. 14g-h. The manner in which they were made aware of this information was equally enraging. *Id.* Being told by a non-law enforcement entity that you are the victim of 12 distinct acts of cyber-crime involving a child pornography email scam, ostensibly to frame and extort you, is unorthodox as the FBI/DOJ have a Victim Services Division specifically dedicated to liaising with crime victims, Affidavit, para. 14g. While all this information was coalescing in his mind, Alex Jones raised these issues in an emotionally charged stream of consciousness broadcast on 14 June 2019. In this broadcast, Alex Jones expressed his opinion that the perpetrator(s) of these cyber-attacks should be brought to justice and that Attorney Mattei's involvement in this entire course of events was suspicious. Affidavit, para. 14h. The following day, on 15 June 2019, Alex Jones issued another broadcast, apologizing for his emotional response and indicating that the 14 June 2019 broadcast should not be construed as suggesting that plaintiffs' attorneys were involved in any criminal activity related to the discovery of child pornography in the metadata. Affidavit, para. 14i.

At the 18 June hearing, plaintiffs attempted to capitalize on these broadcasts, requesting the court review a transcript of the 14 June Broadcast. Affidavit, para. 15a. At that hearing the plaintiffs indicated that they intended to file a written brief requesting a hearing regarding what, if any, sanctions were appropriate. *Id.* Judge Bellis declined the plaintiffs request to (1) brief the issue and (2) have a meaningful hearing, indicating that the court would rule that day on whether sanctions should enter against Defendants because of the broadcast. Affidavit, para. 15b.

Plaintiffs, citing no caselaw and explicitly choosing to not discuss the actual content of the broadcast, argued sanctions were appropriate based on (1) “Pizzagate;” (2) the prior issues with discovery compliance; and (3) their assertion that the apology during the 15 June 2019 broadcast was insufficient. Affidavit, para. 15c. Judge Bellis then turned to Defendants, interrupting their defense counsel two sentences into their argument. Affidavit, para. 15d. Judge Bellis challenged Defendants’ characterization of both the apology and the initial broadcasts. Affidavit, para. 15d-e. Counsel for Defendants attempted to respond to this challenge, only to be told “[w]ell, but then you need — then you would want to put on evidence in that regard, because there’s no evidence. The evidence before me are the broadcasts that you submitted. . . this is uncharted territory, Counsel. . . and despite my research, *I couldn’t find a case that came close.*” Affidavit, para. 15f. (emphasis added). The Court was already engaged in research without notice or affording Defendants the opportunity to do the same.

Judge Bellis then began a quasi-cross examination of counsel for Defendants, creating the appearance that the court was attempting to justify a predetermined outcome. Affidavit, para. 15g. Following additional argument, but without an evidentiary hearing or a meaningful opportunity to be heard, Judge Bellis denied Defendants the opportunity to pursue their special motion to dismiss. Affidavit, para. 15j. In doing so she held the 14 June 2019 broadcast was “indefensible, unconscionable, despicable, and possibly criminal behavior.” Affidavit, para. 15jiii1. Judge Bellis went on to “reject Defendants’ claim that Alex Jones was enraged. . . find[ing] based upon a review of the broadcast clips that it was an intentional, calculated act of rage for his viewing audience.” Judge Bellis made this adverse ruling despite having admonished counsel for Defendants earlier that an evidentiary hearing was required to characterize the broadcasts. Affidavit, para. 15jiii3. Although the decisions of Judge Bellis were affirmed on appeal, her actions to that point nonetheless created the appearance of bias.

III. The Perception of Prejudice Created By Judge Bellis's Conduct Towards Defendants Following The Appeal Of The Sanction Order

Defendants appealed this sanction to the State of Connecticut Supreme Court and, then, the United States Supreme Court. Affidavit, para. 18. Ultimately the appeal was not successful and, after a second attempt at removal, Defendants returned to Judge Bellis's courtroom on 14 April 2021. Affidavit, para. 18c. Immediately upon returning from the second removal, which had been based upon Plaintiffs' strategic dismissal of the one Connecticut-resident defendant, whose sole purpose as a defendant was to thwart removal, Judge Bellis demonstrated a bias against Defendants—admonishing their counsel for not immediately apprising the Court of a United States Supreme Court order denying a stay that was received when sabbath observance was beginning. Affidavit, para. 19. Judge Bellis indicated that she viewed this as a possible violation of Rule 3.3 of the Rules of Professional Conduct, "Candor Towards the Tribunal". *Id.*

The filing at issue was filed on 6 November 2020. *Id.* In that filing, counsel for Defendants cited the fact "that there was an application for a stay filed with the U.S. Supreme Court" as one of six bases in support of an objection. *Id.* The Supreme Court docket indicates that the application for a stay referenced in that filing was denied on November 5, 2020. However, counsel for Defendants did not receive notice of the denial until 3:57 p.m. on Friday, November 6, 2020. Affidavit, para. 19c. Counsel for Defendants became aware of this notice after submitting the filing and that awareness occurred after sabbath observance, which had begun minutes after the e-mailed denial was sent to Attorney Randazza, who could not apprise the Court himself because he had been denied the ability to appear. *Id.* On the next business day, Monday November 9, 2020, the plaintiffs informed the Court of the denial. *Id.* Judge Bellis acknowledged subsequently learning that the request for a stay was no longer pending. Affidavit, para. 19d. At a hearing on the issue, Judge Bellis insinuated that counsel for Defendants violated his ethical responsibility to be candid with

the court:

with respect to the app -- the application for the stay with the US Supreme Court, what you filed with the Court on that day represented something that, in fact, was not accurate and I -- I would say it would have been incumbent upon you to correct what you had filed. I did learn subsequently that it wasn't correct, but I just think just as we move forward, if it's your or -- or even an innocent -- and I'm not saying it was anything but an innocent mistake, but it would be incumbent upon you to just correct that mistake because I don't want to have continued problems moving forward.

Id. Once Plaintiffs beat Defendants to notifying the Court of the denial of the stay, there was nothing for Defendants to do, yet Judge Bellis nonetheless chose to admonish counsel.

Judge Bellis's responses to putative ethical violations have been one-sided, as seen by her subsequent reaction to counsel for Defendants bringing similar and far more disruptive conduct by counsel for plaintiffs to the Court's attention. Affidavit, para. 20. The conduct at issue resulted in the court losing subject matter jurisdiction over certain claims and voided all orders entered regarding certain plaintiffs for a period of more than two years. Affidavit, para. 20b. This conduct had a substantial impact on the above captioned matters that far exceeded the issue that the Court previously admonished counsel for Defendants over. However, despite this, Judge Bellis did not admonish counsel for Plaintiffs. Rather, counsel for Defendants was again admonished by the Court for referencing the Rules of Professional Responsibility in this context. Ultimately, the Court indicated that referencing the Rules of Professional Conduct in filings before the Court could subject counsel to summary disciplinary orders by the Court. The Court indicated that it would rely on Practice Book § 2-45 to bypass the grievance committee which had previously dismissed Judge Bellis's earlier referral of counsel for Defendants regarding the affidavit issue. Affidavit, para. 20c.

This hostility to Defendants carried over into subsequent orders by the Court. At a deposition of a plaintiff in this case, counsel for the plaintiffs attempted to invoke the protections of a stipulated protective order (PO). Affidavit, para. 21b. That protective order permits counsel to designate all or part of a deposition as confidential based upon "a *good faith determination by counsel* so

designating to the Court *that there is good cause for the material so designated to receive the* protections of” the PO. DN. 185.00 at 2-3. (emphasis added). At the start of the deposition a plaintiffs’ attorney attempted to designate the entire deposition “Highly Confidential – Attorneys Eyes Only.” Affidavit, para. 21b. Plaintiffs concede that this designation occurred “at the beginning of the deposition,” and therefore without any knowledge of the actual information that was ultimately elicited. *Id.* Accordingly, plaintiffs’ counsel failed to satisfy the PO’s good faith determination threshold requirement. Affidavit, para. 21c. Because the PO was not properly invoked, counsel for Defendants believed there was no impediment to using the information disclosed during the deposition, especially information that did not fit any of the categories of information permitted to be designated confidential. Affidavit, para. 21d. Accordingly, prior to the conclusion of the deposition, and based on the information elicited, counsel for the defendants filed a motion for a commission to take the deposition of Hillary Clinton without naming the deponent. *Id.*

Plaintiffs filed a motion requesting sanctions for a purported violation of the PO. Affidavit, para. 21b. In response, Defendants argued that no violation occurred because plaintiffs failed to meet the PO’s good faith determination threshold requirement. Affidavit, para. 21. In its order responding to the request for sanctions, the Court ignored Defendants’ threshold requirement argument. *Id.* Instead, Judge Bellis recast Defendants’ argument as an attack on whether there was good cause to issue the stipulated PO itself, characterized this argument as “frightening,” and concluded that Defendants’ disclosure of the information at issue was “willful misconduct.” *Id.* However, Defendants made no such argument. *Id.* Even if counsel for Defendants technically violated the confidentiality order, sanctions were never appropriate where that violation was based on a good-faith view of the effect of that order and otherwise ensuring that no real confidential information (not even the deponent’s name) was being revealed.

Judge Bellis has since sanctioned Defendants twice more, with another sanctions motion pending and the actual sanction to be determined. On August 6, 2021 (DN 428.10 & 428.11), the Court sanctioned Defendants for not having produced a “subsidiary ledger” for their accounts. Judge Bellis disregarded the fact that Defendants reasonably relied on their CPA, who provided a declaration in this case, that Free Speech Systems (the only defendant to whom the request was actually directed) does not use subsidiary ledgers. Sanctions were issued against Mr. Jones and all of his companies, even though, at worst, only Free Speech Systems was in violation of the order requiring production of subsidiary ledgers. It is one thing to compel Free Speech Systems to produce something it did not think it actually had based on a good faith interpretation of the Court’s order, and it is another thing entirely to sanction four other defendants and to give no reason why an expert CPA’s opinion is given no weight, finding the expert “not credible” without taking any live testimony or Plaintiffs’ expert having been subjected to cross-examination. Neither did Judge Bellis explain how Plaintiffs were prejudiced when they were given an opportunity to redepose the bookkeeper (but have made little effort to do so since).

Then, on September 30, 2021 (DN 450.20 & 450.21), Judge Bellis sanctioned Defendants following a motion by Plaintiffs seeking sanctions for alleged non-compliance with their discovery requests for Google Analytics and social media analytics. In actuality, those requests were fulfilled in a timely manner. Instead of sanctioning Defendants on the bases proffered by Plaintiffs, Judge Bellis, *sua sponte*, decided that Practice Book § 10-12(a) was violated because the documents were not served on co-defendants who had not sought such discovery. Defendants are unable to find any cases in which a Connecticut court has ruled that Section 10-12(a) means that all produced documents in discovery are “papers” required to be served on all parties, not merely the requesting party. In Federal practice, the rules “only require[] the responding party to produce the requested documents to the requesting party or its representative, not to all parties in the litigation.” *Zurich*

Am. Ins. Co. v. BASF Corp., 2011 U.S. Dist. LEXIS 162697 at *8 (S.D. Fla. Nov. 4, 2011)(emphasis in original). Perhaps the Court is right that the Practice Book has a different requirement, but that sanctions would issue, in the absence of a clear and intentional violation, makes Judge Bellis appear biased.

Another sanctions motion is pending, with Plaintiffs absurdly claiming that Defendants did not produce their real trial balances. (DN 457.00). First, the request was only directed to Free Speech Systems, not all Defendants. Second, the real trial balances were produced—Plaintiffs' apparent complaint is that they were not given *incorrect* trial balances. If the Court awards sanctions on this motion, the public will have no other view of Judge Bellis than her being on the Plaintiffs' team. And, the fact that the plaintiffs are now trying to liquidate all of the above sanctions, to obtain a default, shows how this whole process is being abused.

ARGUMENT

The foregoing is just a sampling of the perception of prejudice created by Judge Bellis's conduct in this matter. This prejudice pervades all aspects of this case creating an appearance of impropriety that would cause a reasonable person to question Judge Bellis's impartiality. Practice Book §§ 1-22, 1-23 and Conn. Gen. Stat. § 51-183 provide that any party may, by motion and affidavit, establish that a judge currently presiding over a matter is disqualified from acting because of an appearance of judicial impropriety. A claim of an appearance of impropriety under Canon 1 Rule 1.2 of the Connecticut Code of Judicial Conduct is fundamentally different from a claim of actual bias. *Abington Ltd. Pshp. v. Heublein*, 246 Conn. 815, 819 (1998).

The Code of Judicial Conduct requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. The reasonableness standard is an objective one. Thus, the question is not only whether the particular judge is, in fact, impartial but *whether a reasonable person would question the judge's impartiality on the basis of all the circumstances. . . . Even in the absence of actual bias, a judge must disqualify h[er]self in any proceeding in which h[er] impartiality might reasonably be questioned*, because the appearance

and the existence of impartiality are both essential elements of a fair exercise of judicial authority.

State v. Webb, 238 Conn. 389, 460-61, *aff'd after remand*, 252 Conn. 128, *cert. denied*, 531 U.S. 835 (2000) (citations omitted; internal quotation marks omitted; emphasis added). “The question is not whether the judge is impartial in fact.” *Heublein*, at 820. “To prevail on [a] claim of a violation of this canon, the [moving party] need not show actual bias. The [moving party] has met its burden if it can prove that the conduct in question gave rise to a reasonable appearance of impropriety.” *Id.* at 819-21.

I. A Reasonable Person Would Question the Court’s Impartiality

A reasonable person would question the court’s impartiality based on (1) the alleged third-party threat against the court; (2) Judge Bellis’s sanctioning Defendants following the 14 June broadcast; (3) Judge Bellis’s indicating the Court would use Practice Book §2-45 to bypass the grievance committee and subject Counsel for Defendants to summary disciplinary orders; and (4) the perception of prejudice created by Judge Bellis’s conduct towards Defendants following the appeal of the sanction order.

In addition, a reasonable person would question Judge Bellis’s impartiality based on other matters over which she has presided. Prior to these matters, Judge Bellis was the presiding jurist in *D’Avino, et al. v. Starks*, Case No. FBT-CV-15-6048108-S, which were the claims of various Sandy Hook decedents against the estate of Nancy Lanza. That matter, which was consolidated with eight other matters, included many of the same plaintiffs as in this case (nominally, though in fiduciary capacity), represented by the same firm. Similarly, Judge Bellis is the presiding jurist over *Soto, et al. v. Bushmster Firearms Int’l, LLC*, Case No. UWY-CV15-60500025-S, which is claims of various Sandy Hook decedents against the gun manufacturer and other parties. That matter, which is ongoing, also includes many of the same plaintiffs as in this case (again, nominally), represented

by the same firm. There is no reason for Judge Bellis to be the Sandy Hook judge, exposed to arguments and evidence in other cases that would tend to color any jurist's opinion of defendants accused of calling Sandy Hook a hoax.

Courts use an objective rather than a subjective standard in deciding whether there has been a violation of Canon 1 Rule 1.2. This objective standard is guided by "two well established propositions concerning the appearance of judicial impropriety." *Heublein*, at 822. "The first proposition is that the prevention of the appearance of impropriety is of vital importance to the judiciary and to the judicial process." *Id.* "The judiciary should be acutely aware that any action they take, whether on or off the bench, must be measured against exacting standards of scrutiny to the end that public perception of the integrity of the judiciary will be preserved." *Id.* at 823. "The duty to avoid creating an appearance of impropriety is one of taking reasonable precautions to avoid having a negative effect on the confidence of the thinking public in the administration of justice." *Id.* (internal quotation marks omitted.) The second proposition

requires a sensitive evaluation of all the facts and circumstances in order to determine whether a failure to disqualify the judge was an abuse of sound judicial discretion. . . Judges who are asked to recuse themselves are reluctant to impugn their own standards. Likewise, judges sitting in review of others do not like to cast aspersions. . . Yet *drawing all inferences favorable to the honesty and care of the judge whose conduct has been questioned could collapse the appearance of impropriety standard . . . into a demand for proof of actual impropriety.*

Id. at 823-24. (citations omitted; internal quotations omitted; emphasis added).

a. Judge Bellis's Personal Involvement in this Matter via the Alleged Threat Against Her Created the Appearance of Impropriety

"It is [the trial judge's] responsibility to have the trial conducted in a manner which approaches an atmosphere of perfect impartiality which is so much to be desired in a judicial proceeding." (Internal quotation marks omitted. *State v. Echols*, 170 Conn. 11, 13 (1975), quoting *Glasser v. United States*, 315 U.S. 60, 82 (1942). In *Abington Ltd. Pshp. v. Heublein*, the

Connecticut Supreme Court held that after a judge performed an *ex parte* site visit to a property that was the subject of the matter before him, “a well-informed, thoughtful and objective observer reasonably could decide that there was. . . a significant risk of a judicial impropriety.” *Heublein*, at 826. In that case, the trial judge’s site visit personally involved him in the subject matter of the litigation before the court, however, the judge refused to recuse himself based “entirely on his determination that his *ex parte* site visit had not in fact caused him to be prejudiced in any way.” *Id.* at 821, 824. The Connecticut Supreme Court reasoned that, “the record in the case contain[ed] persuasive evidence of an appearance of impropriety,” and that the trial judge abused his discretion by failing to recuse himself. *Id.* at 824. The Supreme Court reasoned further that a “judge’s lack of knowledge of a disqualifying circumstance does not eliminate the risk that h[er] impartiality might reasonably be questioned by other persons.” *Heublein*, at 825.

Courts scrutinize judicial conduct from inception through a full and fair hearing on the merits to determine whether a party “received a fair trial. . . before an impartial court, and that the core danger of judicial vindictiveness has not been realized.” *State v. Herbert*, 99 Conn. App. 63, 69 (2007). Here, Judge Bellis conduct is similar to the trial judge in *Heublein*, where the Connecticut Supreme Court held an objective observer could conclude there was a risk of judicial impropriety. In *Heublein*, the trial judge became personally involved with the subject matter of the litigation. In the instant matter, Defendants’ speech is the subject matter of the entire litigation. The alleged third-party threat against Judge Bellis has drawn her, albeit unwillingly, into the subject matter of this litigation. If the only information before the court were the notification by the Connecticut State police of the FBI investigation, then the prejudice realized in *Heublein* might be absent here. However, that is not the case.

Plaintiffs’ complaint and subsequent arguments on the record allege that when Defendants speak it is designed to activate his audience to take action against the subject of the speech. Plaintiffs

trot out an FBI “Field Intelligence Bulletin” of dubious reliability to claim that when Defendants speak, the subject of that speech is “very likely”—meaning an 80-95% chance—to be targeted by Defendants’ audience. As proof of this plaintiffs point to “Pizzagate.” Had Judge Bellis rejected this correlation implies causation argument, then again the risk of the perception of judicial impropriety found in Heublein might not be present.

Unfortunately, Judge Bellis did not reject this logical fallacy. Instead, she embraced it. Based on this argument, Judge Bellis found the 14 June broadcast to be a “calculated act of rage for his viewing audience,” determining via a personal viewing of the broadcast that Alex Jones stated, “I’m going to kill,” despite this phrase not appearing in any transcript before the court. Affidavit, para. 15jiii2. Moreover, Judge Bellis relied on this argument to characterize the broadcasts as “indefensible, unconscionable, despicable, and possibly criminal behavior.” Affidavit, para. 15jiii1. This demonstrates Judge Bellis’s true unfiltered view of Defendants commenting on the proceedings in this case. It is against this backdrop that the third-party threat must be evaluated. Clearly, in that context, the arguments advanced by the plaintiffs and Judge Bellis’s endorsement of them creates the appearance of impropriety. Here, Judge Bellis, without an evidentiary hearing, concludes that when Defendants speak it is “indefensible, unconscionable, despicable, and possibly criminal behavior,” based largely on the plaintiffs’ “Pizzagate” rational. Employing an objective standard, there is no way to conclude that a reasonable person knowing all these circumstances would not question Judge Bellis’s impartiality following the alleged third-party threat. To find otherwise is tantamount to collapsing the appearance of impropriety standard into a demand for proof of actual impropriety.

b. Judge Bellis’s Rulings Over the Course of Discovery Compliance Reveal a High Degree of Antagonism, Creating the Appearance That Fair Judgment Is Impossible, Thereby Requiring Her Disqualification.

“In assessing a claim of judicial bias, [Connecticut Courts] are mindful that adverse rulings,

alone, provide an insufficient basis for finding bias even when those rulings may be erroneous.” *Massey v. Branford*, 118 Conn. App. 491, 502, *cert. denied*, 295 Conn. 913, (2010). Adverse rulings alone “cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required.” *Liteky v. United States*, 510 U.S. 540, 555 (1994). However, adverse rulings “*may* do so if they reveal an opinion that derives from an extrajudicial source; and they *will* do so if they reveal such a high degree of favoritism or antagonism as to make fair judgment impossible.” *Id.*; *Schimenti v. Schimenti*, 181 Conn. App. 385, 395 (2018).

In *Berger v. United States*, the United States Supreme Court held that the comments of the district judge revealed the degree of antagonism necessary to make fair judgement impossible and that the judge should have recused himself based on the alleged comments. *Liteky*, at 555-56; *Berger v. United States*, 255 U.S. 22, 36 (1921). The Supreme Court reasoned that when seeking recusal “the reasons and facts for the belief the litigant entertains . . . must give fair support to the charge of a bent of mind that may prevent or impede impartiality of judgment.” *Id.*; at 33-4. The Supreme Court went on to conclude that, “[t]he facts and reasons” stated by the defendants in support of recusal “are not frivolous or fanciful but substantial and formidable and they have relation to the attitude of [the] Judge’s . . . mind toward defendants.” *Id.*

Almost a century later, Connecticut Courts still follow the holding of *Berger*. In *Schimenti v. Schimenti*, the Connecticut Appellate Court held that a trial court judge should have recused herself from hearing a marriage dissolution proceeding. *Schimenti*, at 403-04. The appellate court reasoned that, while “a trial judge need not leave insights and common sense derived from her life’s experience at the courthouse door. . . attitudes garnered from personal life experience cannot serve as a substitute for properly admitted evidence at a hearing.” *Id.* at 402. By denying a request for an evidentiary hearing, “the trial judge did not follow her prescribed decision-making pathway but,

instead, relied exclusively on her own prejudices born of her life experiences. The court's proper focus should have been on the well-established decisional pathway," *Id.* at 403. The appellate court concluded by observing that, "[t]he floor established by the Due Process Clause clearly requires a fair trial in a fair tribunal . . . In sum, the responsibility of the court in hearing a disputed matter is to act with impartiality. This requirement entails not only being impartial but also acting in a manner that projects impartiality." *Id.* (citation omitted; internal quotation marks omitted.) Here, Judge Bellis did not hold an evidentiary hearing before terminating the anti-SLAPP motion and she did not hold any evidentiary hearings before awarding any sanctions.

Refusing to hold evidentiary hearings, the "well established decisional pathway" employed by impartial courts, is not the only way Connecticut Courts suss out when a trial judge's adverse rulings demonstrate a level of antagonism that makes a fair judgment impossible. Courts also look to evidence that the court has prejudged a party's truthfulness. In Cameron v. Cameron, the Connecticut Supreme Court reasoned that "[t]he trial judge may be under a duty to reprimand counsel in order to protect the rights of litigants" and "also has a duty to see that no falsehood or other fraud is perpetrated in court," however, "[o]nce a [trial judge] declares that [s]he believes a party or a witness has been deceitful . . . she cannot continue to preside in h[er] role of impartial arbiter." 187 Conn. 163, 170 (1982).. While minor criticisms to correct erroneous statements on an affidavit may be justified, once a judge declares a belief a party has been deceitful, she must recuse herself.

Here, Judge Bellis adverse rulings against Defendants include both denying evidentiary hearings and taking actions indicating that she believed that either Defendants or their counsel (or their independent expert) had been deceitful. These actions continued on after the Grievance Committee dismissed the Court's referral regarding the affidavit issue. Before 10 April 2019 the position Defendants found themselves in as a result of Judge Bellis's adverse rulings were entirely

facially neutral. These adverse rulings alone are an insufficient basis for disqualification. However, on 10 April Judge Bellis repeated so frequently that Defendants had now substantially complied with the discovery orders that even plaintiffs' counsel remarked "it's apparent from the Court's comments that the Court is satisfied there is at least substantial compliance." Affidavit, para. 9e. Up to this point, Defendants' special motion to dismiss and the plaintiffs request for a sanction precluding it, hinged on substantial compliance with the court's discovery orders. However, at this time the issue regarding a signature on an affidavit developed.

Judge Bellis's reaction to the affidavit signature issue is analogous to the reaction of the trial judge in Cameron, which went beyond merely correcting the issue and demonstrated a belief that the defendant and or counsel were attempting to perpetrate a fraud on the court. By the time Judge Bellis was ready to address the affidavit issue, the matter had already been referred to the grievance counsel and a corrected affidavit submitted. However, Judge Bellis referred the matter to the grievance counsel a second time and then *sua sponte* solicited an argument from the plaintiffs for sanctions against Defendants. This was without holding an evidentiary hearing regarding the creation of the original affidavit.

Judge Bellis pressed the plaintiffs to request a sanction. When the plaintiffs refused, Judge Bellis indicated that in light of the plaintiffs refusing to argue for sanctions, the court was satisfied with not taking any further action. However, later when ultimately sanctioning Defendants Judge Bellis explicitly referenced the affidavit issue. As the United States Supreme Court reasoned in Liteky, the focus is on the impact of adverse rulings, not merely the presence of adverse comments in the record. Accordingly, in the context of judicial disqualification, actions speak louder, or at least as loud, as words. And, the sanctions orders highlight these actions, once for a misunderstanding regarding the protective order, once for a differing understanding of what was supposed to be produced, and once for a *sua sponte* different interpretation of the rules where no

Connecticut case is known to have imposed a different requirement than in Federal practice.

This conclusion accords with the second proposition the Connecticut Supreme Court advanced in Heublein. In the context of disqualification due to the appearance of impropriety, requiring that a judge make comments on the record that explicitly demonstrate prejudice against a party would collapse the appearance of impropriety standard into a demand for proof of actual impropriety. Accordingly, evidence that Judge Bellis prejudged Defendants' truthfulness is found in her *sua sponte* incorporation of the affidavit issue as an additional basis for sanctioning Defendants and in rejecting Defendants' expert. This is especially true given that Judge Bellis did so both times without an evidentiary hearing.

The Grievance Committee's decision to dismiss the complaint arising from the affidavit issue only emphasizes the fact that Judge Bellis's reaction, at a minimum, creates the appearance of impropriety. The Grievance Committee reached their conclusion following an adversarial hearing at which both sides were afforded a meaningful opportunity to be heard. Affidavit para. 17. Like in Cameron, where the Supreme Court reasoned that once a trial judge indicates that she believes a party deceitful that judge cannot continue to preside over a matter, here Judge Bellis's conduct indicated a belief that Defendants were in some way deceitful.

Moreover, over a year after the Grievance Committee dismissed the complaint Judge Bellis continued to reference the affidavit issue, demonstrating a continued prejudice against Defendants. At a 6 May 2021 status conference, Judge Bellis threatened to refer Counsel for Defendants to the Grievance Committee again. Affidavit para. 19a. This time the conduct at issue was Counsel for Defendants' failure to violate his observance of the sabbath to inform the Court he received notice of a denial of a stay application. Affidavit para. 19c. When Counsel for Defendants referenced the stay in a filing, the reference to the status of the stay was correct based upon the available information. Despite this, Judge Bellis admonished Counsel for Defendants even though the Court

was made aware of the denial on the next business day. *Id.*

The Court's continued prejudice against Defendants was not confined to this single exchange. Given the Court's 6 May 2021 admonishment—in particular the importance it placed on counsel for Defendants not correcting a filing that contained a purported misrepresentation of the status of a request for a stay that lingered for a single weekend—counsel for Defendants raised similar conduct by Counsel for plaintiffs via a motion. That misconduct had a far more egregious impact on the litigation. Affidavit para. 20. Rather than similarly admonishing Counsel for Plaintiffs, Judge Bellis indicated that “[a]ny further such usage of the Rules of Professional Conduct by counsel in filings in this civil action shall result in immediate action by the court. See Practice Book §2-45.” Affidavit para. 20c. Importantly, §2-45 permits a court to bypass the Grievance Committee and impose summary disciplinary orders without a complaint or hearing. Practice Book §2-45. Given the prior history in which Judge Bellis's referral of Counsel for Defendants to the grievance committee was dismissed, it is difficult to interpret this reference as anything other than threatening Counsel for Defendants with summary sanctions for referencing the Rules of Professional Responsibility.

Judge Bellis's reaction—both immediate and sustained—to the affidavit issue alone creates the appearance of impropriety that would cause an objective observer to question the courts impartiality. However, Judge Bellis based her decision to sanction Defendants on more than just the affidavit issue. Just prior to sanctioning Defendants in 2019, Judge Bellis referenced the child pornography issue and the 14 June broadcast as additional bases for the sanction. On information and belief, an evidentiary hearing into the inadvertent production of discovery containing child pornography would have shown the following: At plaintiffs' request, Judge Bellis ordered metadata for 58,000 emails be produced in 2 weeks. Affidavit, para. 14a. Plaintiffs then provided this data to a paid “electronic storage information expert” that spent 15 days reviewing the data. Affidavit, para.

14b. This was longer than the time allotted by Judge Bellis for Defendants to produce this material. In those 15 days, the experts were able to detect a single image of child pornography. *Id.* Next, the FBI spent an additional 6 days to find 11 additional emails containing child pornography. Affidavit, para. 14c-d. In total, it took 21 days, at unknown cost, for paid experts and the federal government to detect these images. Had Defendants attempted to complete this type of review prior to providing this material to the plaintiffs, they would have missed the court ordered discovery deadline by over 7 days. Undoubtedly, this would have been deemed another mark of “obfuscation and delay,” most likely determined without a hearing to ascertain the reason why Defendants were not able to meet the 2-week production deadline.

Similarly, there was no evidentiary hearing regarding the 14 June Broadcast. At the 18 June hearing, plaintiffs announced their intention to file, at some future date, a motion regarding the hearing that would request sanctions. Judge Bellis declined this invitation to follow the “well-established decisional pathway” of an evidentiary hearing and meaningful opportunity to be heard, opting instead for counsels’ best extemporaneous analysis sans evidence. The conflicting nature of Judge Bellis’s analysis of the broadcast, demonstrates why the court in Schimenti favored the “well-established decisional pathway” of an evidentiary hearing over a judge relying on insights and common sense derived from her life’s experience. Judge Bellis applied her own prejudices to what she assumed were the facts of the 14 June broadcast. For example, Judge Bellis claims to have heard “I’m going to kill” in the broadcast, despite it not appearing in any transcript before the court. Yet, when counsel for Defendants attempted to characterize the broadcasts, Judge Bellis prevented this without an evidentiary hearing.

In Schimenti, the appellate court stated that when a trial judge issues adverse rulings in this way it abandons its responsibility to act in a manner that projects impartiality. Judge Bellis’s decision to assume facts, multiple refusals to hold evidentiary hearings, and rely on prejudices to

justify a sanction impacting the substantive rights of Defendants clearly falls far below the protective floor established by the Due Process Clause. Judge Bellis's rulings over the course of this litigation culminating in the imposition of sanctions reveals a high degree of antagonism. Notably, Judge Bellis admonished counsel for Defendants for conduct that had a minimal impact on the above captioned matters and then subsequently shielded Counsel for plaintiffs for similar conduct that had a far more substantial effect. This is evidence of actual bias. However, without even considering whether the record in this case contains evidence of actual bias, it is clear that there is an appearance of impropriety that would make an objective observer conclude it is not possible for Defendants to receive fair judgment.

Fair judgment requires a willingness to hear and evaluate the arguments of each side before executing judgment. She has repeatedly failed to do so. Therefore, Judge Bellis must be disqualified from this matter.

CONCLUSION

For all these reasons, Defendants respectfully requests that the Court disqualify Judge Bellis from this matter and substitute another judge to hear it.

CERTIFICATION OF COUNSEL

The undersigned Counsels for Defendants hereby certify that this motion is made in good faith.

Respectfully Submitted,

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ORDER

The foregoing motion having been heard, it is hereby ordered: GRANTED/DENIED
_____, J.

CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered on this day to all counsel and pro se parties of record and that written consent for electronic delivery was received from all counsel and pro se parties of record who were electronically served including:

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NO. X06-UWY-CV-18-6046436 S :	SUPERIOR COURT
ERICA LAFFERTY, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 18, 2021
NO. X06-UWY-CV-18-6046437 S :	SUPERIOR COURT
WILLIAM SHERLACH :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 18, 2021
NO. X06-UWY-CV-18-6046438 S :	SUPERIOR COURT
WILLIAM SHERLACH, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 18, 2021

Affidavit in Support of Motion to Recuse Judge Bellis

I, Norman Pattis, declare as follows:

1. I am more than 18 years old, competent to testify, and have personal knowledge regarding the statements set forth in this declaration.
2. I execute this affidavit for the purpose of seeking recusal of Judge Barbara Bellis and obtaining transfer of the hearing of this case to another judge. As detailed below, the record in this matter is littered with issues creating the appearance of judicial impropriety that raise substantial questions about whether a reasonable person would question Judge Bellis' impartiality.
3. I have appeared before Judge Barbara Bellis in the above captioned matters, and I have read certified court transcripts of any hearings that I was unable to attend.
4. **1 March 2019.** Pattis & Smith, LLC filed an appearance in the above captioned matters on behalf of the Jones Defendants. Previously, with prior counsel, the Jones Defendants filed a special motion to dismiss under Conn. Gen. Stat § 52-196a. Pursuant to that

section, in order DN123.1, Judge Bellis found good cause to order specified and limited discovery. “Specified and limited” is not defined. Neither the parties nor the court were aware of a case defining this term. Judge Bellis refused to opine on what constitutes “specific and limited” discovery, instead deciding to take up each discovery objection after the parties attempted to resolve any issues themselves. After the parties were unable to come to an agreement, Judge Bellis in order DN148 overruled two of the Jones Defendants’ objections without further explanation. The Jones Defendants’ attempt to appeal this order was denied and the parties agreed to comply with discovery by 23 February 2019.

5. **7 March 2019 hearing.** Discovery compliance on behalf of the Jones Defendants was incomplete and overdue.

a. I informed the Court and plaintiffs that I expected my appearance to be limited to moving another attorney in *pro hac vice* to represent the Jones Defendants.

(Transcript, 8:9-10, Exhibit A). Previously, the court denied the *pro hac vice* application of the Jones Defendants’ original counsel of choice. This, in part, resulted in a replacement of prior counsel

b. The Court stated its dissatisfaction with the current state of discovery and missing of court ordered discovery compliance deadlines. (*Id.* at 4:1-27).

c. Despite its dissatisfaction, the Court granted the Jones Defendants an additional two weeks for discovery compliance, with a caveat that if the Jones Defendants “continue to ignore court deadlines they’re going to lose the ability, quite frankly, to pursue their motion to dismiss.” (*Id.* 6:18-21).

6. **13 March 2019 hearing.** The Jones Defendants found themselves without *pro hac vice* counsel, further exacerbating discovery compliance.
- a. I informed the Court that:
 - i. to my surprise, “counsel who expressed an interest in appearing will not be appearing and that I will in fact for the foreseeable future be the only counsel for these defendants.” (Transcript, 4:14-17, Exhibit B).
 - ii. I had personally made the Jones Defendants aware that the ability to have their special motion to dismiss heard depended on complying with the court’s discovery orders. (*Id.* 7:23-8:1).
 - b. Judge Bellis agreed with this assessment regarding the Jones Defendants’ special motion to dismiss. (*Id.* 8:2).
7. **22 March 2019 hearing.** I took the reins of the defendant’s discovery compliance efforts, determined why the Jones Defendants had yet to comply, and what was necessary to bring them into compliance.
- a. Prior to this hearing, on 21 March 2019, the Jones Defendants filed a motion for an extension of time to comply with discovery, which in part indicated that the Jones Defendants had previously been under the impression compliance had been tendered. (Transcript, 3:25-4:3, Exhibit C).
 - b. Judge Bellis inquired as to how, given the history of discovery compliance, the Jones Defendants could be under that impression. (*Id.* 4:1-3).
 - c. I provided a candid history of the impact the two previous changes in counsel had on discovery compliance and provided a roadmap as to how discovery

compliance could progress given the voluminous nature of the court ordered discovery. (*Id.* 5-38).

- d. At that time, Judge Bellis decided to not preclude the Jones Defendants' special motion to dismiss, noting that based on my representation:

[i]t sounds like you pretty handily, without much of a struggle, was able to determine that this was going to be an expensive search, and it was going to involve a lot of documents. If Mr. Jones' first attorney had done what you're doing, I would have been back probably with everyone maybe on January 30th, at which point I would have been told this is going to be -- it's going to take longer, it's nine million, or however many emails, but instead what happened -- and I don't want to beat a dead horse -- is that the deadlines were missed and they were like moving targets.

(*Id.* 40:7-18).

- 8. **26 March 2019 hearing.** The Jones Defendants produced a large quantity of discovery materials.

- a. In response to the Court's inquiry about the status of discovery compliance, I stated:

the Court reserved effectively on whether to reconsider our motion to — for an extension of time to comply with discovery. And I recited the transitional difficulties as this case has migrated from several counsel to our office. My impressions Friday is the Court was going to keep an open mind about what to do and based in part on whether the defendants could make some showing that they were making a bonafide and good faith effort to comply with discovery under new counsel. What we had done since Friday consist of the following. We have, as you know there is a related Texas case and the Texas firm has given us complete access to what they have disclosed in -- in that case. So I delivered to counsel for the plaintiffs at their home on Sunday afternoon, a hard drive consisting of all the documents we had received to date from counsel in Texas that were responsive to search terms in our case, together with the — I sent an email describing what I thought was in that disc. Was operating under the speed of light. I have authorization from my client to rely on Texas' compliance without having to look through it myself with respect to those items.

(Transcript, 3:14-4:12, Exhibit D).

- b. Following an extended inquiry by the Court, Judge Bellis reasoned that “we sort of need a better grasp of what has been produced to date... since some of the materials were just produced last night, I think before I make a decision, I think that we need to be on the same page, both sides, as to what has been produced and what is still owed.” (*Id.* 23:2-10).
- c. Judge Bellis then concluded “So I think the best that you could do is if you could ask for a week for the Court to. . . decide the issue. . . not a week extension, a week to decide the issue. (*Id.* 29:18-25). “If you want to come back in a week, hopefully with interrogatories and production requests under oath so that I could then decide the issue. . . I'm willing to do that. . . Does that work for other counsel?” (*Id.* 30:13-24).
- d. Opposing counsel agreed with Judge Bellis’ proposed course of action. (*Id.* 30:24-25).

9. **10 April 2019 hearing.** Judge Bellis determined the Jones Defendants were now in substantial compliance with the court ordered discovery. An issue regarding a signature on an affidavit arose. Judge Bellis was unable to articulate the relevance or materiality of the signature issue. Regardless, she ordered a separate hearing to resolve this issue and *sua sponte* incorporated this issue as a potential second basis for a sanction preventing the Jones Defendants from having their special motion to dismiss heard.

- a. Judge Bellis indicated that “the issue at this point for me is whether there's been substantial good faith compliance or not such that the defendant should be

allowed to pursue their special motion to dismiss.” (Transcript, 12:15-18, Exhibit E). (*Id.* 12:27-13:6).

- b. The Jones Defendants proceeded to outline the current state of discovery compliance. (*Id.* 13:13-16:22).
- c. After addressing non-substantive issues with the discovery compliance, Judge Bellis inquired of the plaintiffs “[h]ow is this not substantial compliance?” (*Id.* 22:6-7).
- d. Plaintiffs raised concerns regarding the content of answers provided in the discovery compliance, to which Judge Bellis responded “that would require an evidentiary hearing., (*Id.* 22:23-24). “[b]ut I don't see how this is not substantial compliance.” (*Id.* 24:1-2).
- e. Plaintiffs then conceded that “it's apparent from the Court's comments that the Court is satisfied there is at least substantial compliance.” (*Id.* 27:4-6).
- f. **Affidavit issue.** In my haste to satisfy the court ordered expedited discovery, I executed an affidavit containing a technical deficiency that impacted neither it's substance nor veracity.
 - i. Plaintiffs next inquired on the record about an affidavit signed by Alex Jones, specifically where the affidavit was signed. (*Id.* 29:3-7).
 - ii. I indicated it was signed in New Haven, Connecticut by “an authorized representative . . . who spoke to [him] and spoke with [Alex Jones] and authorized [him] to sign it for him under the formalities of an oath.” (*Id.* 29:17-26). This procedure occurred because Alex Jones could not travel to

Connecticut to personally sign the affidavit. (*Id.* 30:2-4). This was not indicated on the affidavit.

iii. Judge Bellis responded as follows, "I've never heard of that," (*Id.* 29:27).

"I -- I know, but I've never heard of that in my life. I've never heard of that ever. . . ever . . . But I've never -- I -- I -- I've never heard of that. I've never -- I've just never heard of it, I've never even anecdotally heard of it. I've never heard of it done in any case ever, I've never read about it ever. (*Id.* 30:1-15).

iv. I responded, "[t]here was certainly no intent to deceive. . . If there's a concern, I'll have him sign it and refile it tomorrow." (*Id.* 31:6-16).

v. In response to Judge Bellis' inquiry regarding who signed the affidavit and why that name did not appear on the document, I indicated that "its an individual's who appeared for him in Connecticut who is an -- an assistant . . . [h]is concern is that he does not want to be harassed by (inaudible). who have harassed others in this case." (*Id.* 31:18-25).

vi. Because I was appearing remotely, Judge Bellis indicated that affidavit issue would be addressed immediately upon my return to Connecticut. (*Id.* 32:3-8).

vii. Plaintiffs inquired whether the court was "prepared to rule on the motion for reconsideration or motion for sanctions [for failure to comply with discovery]. (*Id.* 35:3-4).

viii. Judge Bellis replied:

I am going to have a hearing on that affidavit issue. And I don't think there's any harm in proceeding. I mean, I think this is *substantial compliance* but until I deal with that affidavit issue, I'm not — I'm not going to rule on — I'll take it under advisement; the motion for reconsideration and the motion for sanctions. But I'm going to have the hearing on the affidavit first.

(*Id.* 35:9-16). (emphasis added).

10. **22 April 2019 hearing.** Given Judge Bellis' reaction to the affidavit issue, I self-referred to the grievance counsel. Judge Bellis indicated her intent to refer the issue to the grievance counsel a second time. Judge Bellis then invited the plaintiffs to use this issue as a pretext to provide an additional basis to sanction the Jones Defendants. The plaintiffs declined this invitation, indicating their position was that there was insufficient information to indicate culpability on the part of the Jones Defendants. Despite previously ordering a hearing on the issue and the plaintiffs indicating that without a hearing they lacked information necessary to take a position, Judge Bellis pressed the plaintiffs to take a position without a hearing, which they declined to do.

a. Judge Bellis took up the affidavit issue by stating:

I reviewed the transcripts and the affidavit and I do want to put a statement on the record, and I think I'm going to proceed a certain way. So on March 22nd, 2019, Defense Counsel filed the affidavit that indicated it was signed by Alex Jones under oath, and the e-filing description referred to a March 22nd, 2019, affidavit of A. Jones. That was the e-file description. And the attestation clause indicates that the affidavit was sworn to and subscribed to on March 22nd, 2019; and we learned on that same date that Attorney Pattis --I'm sorry, we learned subsequently on April 10th that Attorney Pattis had taken the signature and that the signature was not that of Mr. Jones but of an authorized representative who didn't want to be named because he didn't want to be harassed. But on March 22nd, 2019, on the record Attorney Pattis referred to the document as an affidavit from Jones. The affidavit is devoid of any language that would reveal that Mr. Jones' agent or employee or authorized representative signed his name to the document. There's no attempted power of attorney language or acknowledgement or

anything at all to show that some other person signed Alex Jones' name to the affidavit. So in the Court's opinion, the affidavit is -- is invalid and is a false affidavit. Affidavits are supposed to be signed by the author, not surreptitiously by some other unknown, although authorized, person. So I am going to refer this matter to Disciplinary Counsel.

(Transcript, 12:15-18, Exhibit F).

- b. I indicated that I already self-referred because I was:

so taken aback by your reaction and the reaction of Counsel, although I stand by what I did. I take your role as Court very seriously. I referred that to the New Haven Committee, care of Michael Georgetti, the Friday of our hearing. I've alerted Counsel to it in the event they wanted to weigh in. They asked for a copy of my filing. I didn't give them one because it contains more information than was placed on the record. But nonetheless, Judge, if I erred, the Grievance Committee will tell me. I don't believe I did.

(*Id.* 5:16-27).

- c. Judge Bellis indicated:

I am going to make the referral, nonetheless, but I am glad to hear that you did it, Attorney Pattis. And I will leave it to them to figure out what if anything needs to be done. However, the question remains as to what if any sanctions should enter as to the defendants in light of the affidavit.

(*Id.* 6:8-15).

- d. The plaintiffs' position was that "we came here today believing that this issue was one between Counsel and the Court, frankly. . . we just don't know enough about the circumstances under which that affidavit was made to know whether Mr. Jones's role. . . based on what we know right now, we weren't prepared to argue that." (*Id.* 7:11-27).

- e. Judge Bellis' response invited the plaintiffs to make an argument for sanctions, stating "I'm not sure what you would need to know to take a position." (*Id.* 8:6-7).

- f. The plaintiffs refused the invitation to argue for sanctions and took no position. Judge Bellis indicated, “[a]ll right. Then in light of that, I am satisfied with not taking any further action.” (*Id.* 8:9-22).

11. **7 May 2019 hearing.** Judge Bellis ruled that there has been sufficient discovery compliance to afford the defendants the opportunity to pursue their special motion to dismiss. Then, plaintiffs raised an issue about discovery of draft interrogatories. Judge Bellis immediately retracted the ruling regarding substantial compliance, without fully comprehending the issue raised by plaintiffs. Counsel for the Jones Defendants attempted to inform the court it misunderstood the issue raised, but was immediately cut off by Judge Bellis. Once the court fully comprehended the plaintiffs’ request, Judge Bellis denied it but never addressed whether the prior ruling finding substantial compliance or the subsequent retraction was the law of the case.

- a. Judge Bellis began this hearing by stating:

I do want to just state for the record what is probably clear to everyone at this point. I had said a few times that I thought that there was substantial enough compliance. So in effect I have really extended --had extended the deadlines for the defendant to comply. So that would be my ruling, just for the record, on the issue of the additional time to comply. I understand it's not necessarily 100 percent complete compliance, but I think *I've seen enough of it at this point to afford the defendants the opportunity to pursue their special motion to dismiss.*

(Transcript, 1:18-2:3, Exhibit G). (Emphasis added).

- b. The court then addressed additional discovery related issues concerning, among other issues, the production of metadata from emails previously produced to plaintiffs. Judge Bellis ordered that the metadata be produced within two weeks. (*Id.* 4:1-25).

- c. Plaintiffs subsequently raised an issue concerning interrogatory responses made by Alex Jones, indicating that they had received a signed copy but were not in possession of “the version that Mr. Jones previously signed that Attorney Pattis has described for the Court and which were responses to our request for production, they simply declined to produce them.” (*Id.* 10:10-14).
- d. While the court ultimately ruled the plaintiffs were not entitled to these draft responses, (*Id.* 10:15-12:3), upon plaintiffs first raising the issue and without inquiring the position of the Jones Defendants, Judge Bellis stated, “this is news to me. So here's what I would say on that. *I now retract my prior comments that there has been substantial compliance, good-faith, substantial compliance.*” (*Id.* 8:24-9:1). (Emphasis added).
- e. Despite ultimately holding that the plaintiffs were not entitled to discovery of the draft interrogatory responses, Judge Bellis took no steps to clarify what ruling stood with regard to whether there had been substantial enough compliance to afford the defendants the opportunity to pursue their special motion to dismiss. (*Id.* 10:15-12:2).

12. 22 May 2019 hearing. Metadata related to previously discovered emails was provided to plaintiffs.

- a. The plaintiffs acknowledged receipt of the previously requested metadata on 21 May 2019 in accordance with the court’s 7 May 2019 order. (Transcript, 2:25-27, Exhibit H).

13. 5 June 2019 hearing. Judge Bellis ruled that the Jones Defendants have fully and fairly

complied with discovery despite plaintiffs' objections. When I requested the ability to make discovery requests of the plaintiffs, Judge Bellis attempted to silence me. When I objected, Judge Bellis terminated the hearing.

- a. At the start of the hearing, Judge Bellis inquired what motions were ready for adjudication. The plaintiffs replied that two of their motions were ready for adjudication along with a consolidated response by the Jones Defendants.

(Transcript, 1:12-16, Exhibit I).

- b. Judge Bellis next outlined how the hearing would proceed:

So I looked at them and there's no right to argument on these, but I'm going to give you some -- an opportunity to just briefly address the exact issue. So I don't want to have a rehash of how we got here, what's transpired. It was all laid out in the motions and I'm more than familiar. So I basically want the plaintiff to tell me why the defendant has not fully and fairly complied with the discovery request. And then I would like to hear from the Defense as to why the Defense has fully and fairly complied with the discovery request. And I want to be able to look --actually look at the exact inquiries that we're talking about.

(*Id.* 1:17-2:3).

- c. The plaintiffs' motions concerned discovery compliance issues, despite Judge Bellis previous ruling that there had been substantial enough compliance to afford the Jones Defendants the opportunity to pursue their special motion to dismiss.

(*Id.* 1-50).

- d. For example, in one request the plaintiffs asked the Jones Defendants to produce "business marketing plans" and, after depositions, took issue with the manner in which the defendants searched for these materials. (*Id.* 36:24-27).

- e. In response, Judge Bellis ruled that "unless you have some, you know, a good

faith basis and some evidence that in fact the documents do exist, I think that you have to be satisfied with the answers under oath. And no such documents exist is a proper response. (*Id.* 38:23-27). "This is just full and fair compliance. And sometimes the answer is going to be it doesn't exist." (*Id.* 39:26-40:1).

- f. The court afforded the plaintiffs 46 transcript pages to address the issues raised in their motions. Believing that Judge Bellis had now clarified any confusion regarding discovery compliance so that the next step was a hearing on the special motion to dismiss, the Jones Defendants indicated that "in our motions we suggested we'd like permission to do a little bit of discovery ourselves." (*Id.* 48:23-25).
- g. Judge Bellis' immediately replied, "I'll take that up on the papers." (*Id.* 49:1).
- h. The Jones Defendants' attempt to be heard as to the nature of the discovery sought, was met with the following exchange:

THE COURT: I'll take that up on the papers.

ATTY. PATTIS: And then also we'd like to have them be directed to find out who's financing this because --

THE COURT: Right. I read -- Attorney Pattis, I read it. No right to argument on that issue. I don't need help on that issue. And I'll -- I'll issue that --

ATTY. PATTIS: My client would like me to be heard today for these purposes because --

THE COURT: All right. Attorney Pattis, listen to me carefully. I'm trying to be polite.

ATTY. PATTIS: I always do.

THE COURT: Okay, I'm going to take that issue on the papers. There's no right to argument on that issue and I will rule today on that issue for you. Okay? But you can tell your client that there's no right to argument on that issue and I'm not extending -- I'm denying your request for argument, politely.

ATTY. PATTIS: And I will politely tender his objection on the grounds that when his --

THE COURT: All right. Attorney Pattis --

ATTY. PATTIS: -- information on the business finds itself --

THE COURT: -- I think we're done.

ATTY. PATTIS: -- in the press to his economic detriment

THE COURT: We're done for the day.

(*Id.* 49-50).

14. 14 & 15 June 2019 broadcasts. Alex Jones aired two broadcasts. The first was an emotional response to learning that he and the Jones Defendants were the victims of a cyber-attack designed to frame them for possession of child pornography. The second was an apology for his emotional outburst.

- a. On 14 June 2019, defendant Alex Jones appeared in a broadcast in which he opined on the discovery compliance in the above captioned matters, specifically focusing on the discovery of unopened child pornography that was hidden in metadata attached to emails sent to the Jones Defendants from third parties. Plaintiffs specifically requested this metadata via motion and the Jones Defendants complied with the courts order to produce this data to the plaintiffs within 2 weeks, by 21 May 2019. Plaintiffs provided this data to an “electronic storage information expert” in order to review the metadata associated with approximately 58,000 emails. (Transcript, 7:9-21, Exhibit J).
- b. On 4 June, after 15 days with the data, the plaintiffs’ expert review discovered a single image of suspected child pornography attached to an email sent to the Jones Defendants by a third-party. (*Id.* 7:9-27).
- c. On 7 June the FBI took possession of the data and immediately analyzed it for an

additional 6 days. (*Id.* 8:5-15).

- d. On 12 June, the FBI informed only the plaintiffs that the weeklong investigation uncovered an additional 11 emails containing suspected child pornography. The FBI also informed only the plaintiffs that the investigation concluded that the Jones Defendants had not opened any of the images at any time. (*Id.* 8:15-20).
- e. Plaintiffs' counsel Attorney Chris Mattei then called and informed me that the Jones Defendants had been the victims of 12 distinct acts of cyber-crime. Subsequently, the United States Attorney's Office called me. Counsel for plaintiffs were included on this call. (*Id.* 8:21-9:24).
- f. Following this call, and prior to the 14 June broadcast, I informed the Jones Defendants that as a result of discovery compliance the FBI launched a weeklong investigation into whether the Jones Defendants knowingly possessed child pornography in violation of federal law.
- g. Upon learning that they were the victims of 12 distinct acts of cyber-crime involving a child pornography email scam, ostensibly to frame and extort them, the Jones Defendants reacted. The Jones Defendants were outraged. They found the manner in which the FBI handled the investigation disconcerting. Plaintiffs' counsel, not the Jones Defendants who were the victims of the cyber-attack, were the first party informed of the outcome of the investigation. Then it was plaintiffs' counsel Attorney Chris Mattei, not a Federal Investigator or member of the FBI's Victim Services Division, that informed me about the investigation. This was especially suspect given that Attorney Mattei worked for the United States Attorney's Office from 2007 through 2015.

h. While all this information was coalescing in his mind, Alex Jones raised these issues in an emotionally charged stream of consciousness broadcast on 14 June 2019. The narrative began with an account of how discovery compliance resulted in an FBI investigation and ended in Mr. Jones expressing his opinion that he wanted the perpetrator of these cyber-attacks brought to justice. In the course of that narrative, Mr. Jones indicated a belief that Attorney Mattei's involvement in this entire course of events was suspicious. Attorney Mattei had argued in court to obtain metadata associated with approximately 58,000 emails. This metadata was provided to an "electronic storage information expert" that spent 15 days combing through the data to find a single image. Plaintiffs' counsel then provided this to the FBI, who spent an additional week analyzing the metadata. In the end, it was Attorney Mattei that called to inform them about the results of the investigation by the FBI, specifically that the Jones Defendants were cleared of any criminal liability. This left Alex Jones demanding to know who attacked the Jones Defendants and why Attorney Mattei played such a prominent role in the FBI's investigation.

i. The following day, on 15 June 2019, Alex Jones issued another broadcast, apologizing for his emotional response and indicating that the 14 June 2019 broadcast should not be construed as suggesting that plaintiffs' attorneys were involved in any criminal activity related to the discovery of child pornography in the metadata.

15. 18 June 2019 hearing. Given Judge Bellis' previous willingness to entertain arguments for sanctions against the Jones Defendants without a hearing and meaningful opportunity

to be heard, the broadcasts created a perfect opportunity for the plaintiffs to resurrect their attempt to prevent the Jones Defendants from pursuing their special motion to dismiss. The plaintiffs requested time to file a motion and a hearing on the issue. Judge Bellis' response betrayed an eagerness to find additional bases to support a sanction precluding the Jones Defendants' special motion to dismiss.

- a. Plaintiffs' counsel capitalized on Alex Jones broadcast. The day prior, plaintiffs filed a motion requesting an expedited briefing schedule concerning what, if any, orders should issue in relation to the broadcast. The following day at the hearing, plaintiffs reiterated to the court that they intended to file a motion for sanctions requesting a hearing on the issue:

It is our intention, Your Honor, to file a motion for sanctions. We will be seeking a sanction up to and including default based on Mr. Jones's conduct. We would propose to get that motion filed within a very short period of time, and we'd ask for a hearing on that motion as soon as possible.

(Id. 11:3-8).

- b. Judge Bellis disregarded the plaintiffs' request to (1) provide written briefs and (2) hold a meaningful hearing on the issue:

this is the time that you're going to make your argument and you're going to tell me why sanctions should enter. And defense will argue their position and tell me why sanctions should not enter. But I did do my own research as well, and I know — I'll rule on this today."

(Id. 11:9-16).

- c. Plaintiffs, obviously caught off guard by Judge Bellis' decision to proceed without a meaningful opportunity to be heard, began by stating they would not address the actual broadcast: "Well, and the conduct, Your Honor, speaks for

itself. I don't need to argue what happened.” (*Id.* 12:6-8). Plaintiffs were then allowed to argue, without interruption, that sanctions were appropriate because (1) of a 2016 incident that occurred at Planet Pizza in Washington, DC; (2) the prior issues with discovery compliance; and (3) the apology during the 15 June 2019 broadcast was insufficient. (*Id.* 12:6-13:19).

- d. Judge Bellis then allowed counsel for Jones Defendants to argue, requesting they begin by addressing the nature of the apology during the 15 June 2019 broadcast. Defense counsel was able to get two full sentences out before Judge Bellis challenged the characterization of the apology. (*Id.* 14:26-15:1-7).
- e. Counsel next moved to address the actual 14 June Broadcast, attempting to illustrate Alex Jones point of view upon learning of the FBI investigation into the child pornography cyber-attack against the Jones Defendants. Judge Bellis questioned whether the emotion portrayed by Alex Jones during the broadcast was genuine. (*Id.* 15:13-26).
- f. When counsel for the Jones Defendants attempted to establish the genuineness of Alex Jones’ response, Judge Bellis prevented this, stating: “Well, but then you need — then you would want to put on evidence in that regard, because there's no evidence. The evidence before me are the broadcasts that you submitted. . . this is uncharted territory, Counsel. . . and despite my research, *I couldn't find a case that came close.*” (*Id.* 16:1-10). (Emphasis added).
- g. From this point on, defense counsel’s argument was transformed into a cross examination by Judge Bellis, directed at establishing the broadcast was not Alex Jones exercising his right to free speech under the first amendment, but rather

some attempt to impact the integrity of the judicial process. (*Id.* 19:25-22:19).

- h. Despite previously stating that the court was not able to find a case that came close to the facts at issue, Judge Bellis then indicated the court would take a recess so counsel for Jones Defendants could familiarize themselves with a recent appellate case that held sanctions appropriate:

So I think the way to proceed on this, if you don't mind, is we take the recess now. I think Counsel should take a look at that case. And then if he wants to have any further argument and then I can hear from the plaintiffs as well as to whether they want any further argument, and then I'll be prepared to rule.

(*Id.* 22:21-27).

- i. Upon review of the case referenced by Judge Bellis, I reached the same conclusion as the Judge did earlier in the hearing, the facts and circumstances of the case the court provided for review were not even close to the facts at issue in the instant matter. Regardless, Judge Bellis attempted to shoehorn the facts of the broadcast into the reasoning of the provided case in order to justify reaching a similar holding, so the court could impose sanctions without a hearing and meaningful opportunity to be heard. (*Id.* 26:6-37:23).
- j. Following plaintiffs' argument, Judge Bellis denied the Jones Defendants the opportunity to pursue their special motion to dismiss, (*Id.* 53:25-27), for the following reasons:
 - i. Putting aside the fact that the documents the Jones defendants did produce contained child pornography, putting aside the fact that the Jones defendants filed with the Court a purported affidavit from Alex Jones that was not in fact signed by Alex Jones, the discovery in this case had been marked with obfuscation and delay on the part of the defendants, who, despite several court ordered deadlines as recently as yesterday, they continue in their filings to object to having to, what they call affirmatively gather and produce

documents which might help the plaintiffs make their case.

(*Id.* 46:25-47:13).

ii. “I also note that the Jones defendants have been on notice from this Court both on the record and in writing in written orders that the Court would consider denying them their opportunity to pursue a special motion to dismiss if the continued noncompliance continued.” (*Id.* 49:2-7).

iii. Judge Bellis next addressed the 14/15 June 2019 broadcasts. Despite having admonished counsel for the Jones Defendants earlier that an evidentiary hearing was required to characterize the broadcast, Judge Bellis stated “because I want to make a good record for appeal, I’m going to refer to certain portions of the transcript of the website.” (*Id.* 50:8-10). Without an evidentiary hearing, or at the very least permitting the Jones Defendants to make a record, Judge Bellis made the following findings:

1. The 14/15 June broadcasts were “indefensible, unconscionable, despicable, and possibly criminal behavior.” (*Id.* 50:1-3).
2. “Now, the transcript doesn’t reflect this, but when I listened to the broadcast, I heard, I’m going to kill. Now, that’s not in the transcript, but that is my read and understanding and what I heard in the broadcast.” (*Id.* 50:22-26).
3. Judge Bellis went on to “reject the Jones defendants’ claim that Alex Jones was enraged. . . find[ing] based upon a review of the broadcast clips that it was an intentional, calculated act of rage for his viewing audience,” (*Id.* 53:8-12).

16. 21 June 2019 order. Following the sanctions order, the Jones Defendants published a news report on the Infowars website reporting on the status of the case. In the comments section of that news article, the FBI found comments containing an alleged threat against Judge Bellis.

- a. After imposing a sanction against the Jones Defendants precluding their special motion to dismiss, the court entered order DN271 indicating that the Connecticut State Police forwarded a report from the FBI that Judge Bellis was the subject of threats made by individuals commenting on the Infowars website. The order indicated there was no further information regarding the alleged threat. (DN271, Exhibit K). To date the Jones Defendants are not aware of any further information regarding the nature or quality of the threat nor the identity of the author. Plaintiffs in their filings concede as much, but then attempt to use this allegation to turn Judge Bellis against the Jones Defendants. Plaintiffs conclude, without providing evidence, that “Jones turned his fire on [Judge Bellis]” insinuating the Jones Defendants were somehow responsible for getting his audience to “threaten[] the judge... after the sanctions order issued.” (*Lafferty v. Jones*, Conn. Supreme Court Records & Briefs, First Term, 2019, Plaintiffs' Brief p. 31, Exhibit L).

17. 20 December 2019 Statewide Grievance Committee Grievance Complaint #19-0367

Decision. The Statewide Grievance Committee conducted an adversarial hearing regarding the affidavit issue, *supra* at 9f. After both sides had a meaningful opportunity to be heard, the Committee concluded that my conduct “in connection with the affidavit did not rise to the level of an ethical violation,” “did not violate the Rules of Professional

Conduct,” and at most I made an unintentional mistake in executing the affidavit.

(Exhibit M, p. 3). Accordingly, the Grievance Committee dismissed the complaint. *Id.*

18. Appeal of Sanction Denying Defendant’s Special Motion to Dismiss. The appeal of the Court’s 18 June 2019 sanction denying the Jones Defendants’ special motion to dismiss stayed the proceedings in this matter for the majority of 2020.

a. On 23 July 2020 the Connecticut Supreme Court affirmed the sanction. (Exhibit N, p. 1).

b. On 28 July 2020 the Jones Defendants’ appealed this order to the United States Supreme Court, which denied *certiorari* on 5 April 2021. (Exhibit O, p. 1)

c. Following the denial of *certiorari*, on 14 April 2021, the above captioned matters resumed holding the pre-appeal monthly status conferences. (Transcript, 12:3-21, Exhibit P).

19. 6 May 2021 hearing. At this hearing the Court reached back to the 22 April 2019 hearing to reiterate that in the past it had “previously referred the Jones defendants’ prior counsel to the disciplinary authorities.” (Transcript, 13:25-26, Exhibit Q). The Court’s purpose in resurrecting this issue was purportedly because in an objection to a deposition requested by plaintiffs, counsel for the Jones Defendants cited the fact “that there was an application for a stay filed with the U.S. Supreme Court” as one of six bases in support of that objection. The Court took issue with the fact that when this objection was filed on 6 November 2020 the United States Supreme Court had, in fact, denied the request for the stay the day before and counsel for the Jones Defendants did not file a correction. (*Id.* 7:25-8:2).

- a. Judge Bellis stated, in part, that

because I do not wish to [refer the Jones defendants' counsel to the disciplinary authorities] again, I am directing counsel — and that's all counsel in this case—to review the relevant sections of the Rules of Professional Conduct. . . look at what is and what is not considered attorney misconduct under the rules. . . Rule 3.3, Candor Towards the Tribunal. All right. I was somewhat concerned at the time with the filing that suggested that there was a—the request for the stay that was pending with the United States Supreme Court, but the filing itself was filed the—after it had already been denied and no subsequent filing was ever made with the Court that the Court saw by the Jones defendants. You may all get notice from higher courts when you appeal to the US Supreme Court, but I was the last one—I would be the last one to find out, so it was incumbent upon whoever—whatever counsel made that filing to correct it because it was—it was not—it was not correct. It's that simple. . . So just—just refresh your familiarity with those sections so that as we move forward, we can hopefully avoid any—any further issues.

(*Id.* 13:24-15:18).

- b. Judge Bellis did not acknowledge the 20 December 2019 Statewide Grievance Committee Grievance Complaint #19-0367 Decision dismissing her prior referral of the Jones defendants' counsel to the disciplinary authorities.
- c. Counsel for the Jones Defendants attempted to inform the Court that although the Supreme Court docket noted that the application for a stay was denied on November 5, 2020—notice of that order was not received until 3:57 p.m. on Friday, November 6, 2020 after counsel had already begun Sabbath observance. On the next business day, Monday November 9, 2020, the Plaintiffs informed the Court of the denial. (*Id.* 16:3-17:6); *see* DN337 at 1 n.1.

- d. In response Judge Bellis stated, in part:

I don't want to get into a colloquy here. I said what I said. I made my ruling. I will just say in the future moving forward for your own sake that if you do, because at least with respect to the app -- the application for the stay with the US Supreme Court, what you filed with the Court on that day represented something that, in fact, was not accurate and I -- I would say it would have been incumbent upon

you to correct what you had filed. I did learn subsequently that it wasn't correct, but I just think just as we move forward, if it's your or -- or even an innocent -- and I'm not saying it was anything but an innocent mistake, but it would be incumbent upon you to just correct that mistake because I don't want to have continued problems moving forward.

(*Id.* 17:17-18:5).

20. Order Regarding DN 337.00 11 May 2021 Motion for Stay. In preparing to propound discovery, counsel for the Jones Defendants discovered that Plaintiffs' counsel failed to advise the Court (1) regarding a bankruptcy issue lasting for a two-year period pertaining to one of the plaintiffs' claims in the instant matter and (2) that one of the plaintiffs passed away in 2019. DN337 at 1

- a. Given the Court's 6 May 2021 admonishment—in particular the importance it placed on counsel for the Jones Defendants not correcting a filing that contained a purported misrepresentation of the status of a request for a stay that at worst lingered for a single weekend—counsel for the Jones Defendants raised these issues via a motion. DN337.
- b. Ultimately the issue related to counsel for Plaintiffs' failure to disclose the death of one of the Plaintiffs caused the court to lose subject matter jurisdiction over the claims related to that Plaintiff and voided all orders entered with regard to that Plaintiff for a period of more than two years. *See* DN337; DN 337.20
- c. In contrast to the importance the Court placed on making a record that counsel for the Jones Defendants may have violated Rule 3.3, Candor Towards the Tribunal, Judge Bellis took the opposite tact when confronted with possible violations by counsel for the Plaintiffs:

Finally, with respect to the filing of this "Motion to Stay and Notice

of Violation of Duty of Candor,” it is entirely inappropriate for counsel for the Jones defendants to invoke the Rules of Professional Conduct as a procedural weapon in this forum. The Rules are not designed to be a basis for civil liability in this or any other motion, and should not be used by counsel to obtain a tactical advantage. It is the court’s obligation to supervise the attorneys who appear before it, as attorneys, as officers of the court, are continually accountable to it. Any further such usage of the Rules of Professional Conduct by counsel in filings in this civil action shall result in immediate action by the court. See Practice Book §2-45.

DN337.20

- d. Practice Book §2-45 permits a court to issue summary orders disciplining attorneys without a complaint or hearing.

21. Order Regarding DN 394.00 6 July 2021 Motion for Sanctions for a Purported

Violation of a Protective Order. In DN 394.10 the court ordered that the Jones defendants violated a Protective Order (PO) governing the disclosure of “confidential information” elicited during a deposition. In issuing that order, the court ignored the Jones defendants’ position that the Plaintiffs failed to satisfy the requirement that the party invoking the PO do so based upon “a *good faith determination by counsel* so designating to the Court *that there is good cause for the material so designated* to receive the protections of” the PO. DN. 185.00, at 2-3. (emphasis added). In its order, the Court mischaracterized the Jones defendants’ position that the plaintiffs failed to meet this threshold good faith determination. DN 394.10 at 2. Rather, the Court recast the Jones defendants’ argument as an attack on whether there was good cause to issue the PO itself and characterized this argument as “frightening” and concluded that the Jones Defendants’ disclosure of the information at issue was “willful misconduct.” DN 394.10 at 2. At no point did the Jones Defendants make the argument the Court indicated in this order. *Id.*

- a. On February 22, 2019, the Court entered a PO per Practice Book § 13-5, which permits a court, upon a showing of good cause, to make an order “protecting a party from annoyance, embarrassment, oppression, or undue burden or expense.” The applicability of the PO to information produced by the parties is contingent upon that information falling within a protected category of information based upon “a *good faith determination by counsel* so designating to the Court *that there is good cause for the material so designated* to receive the protections of” the PO. Id. at 3-4. (emphasis added.)
- b. On 1 July 2021, the parties held the first deposition of a plaintiff in this case. At the start of the deposition the plaintiffs’ attorney attempted to designate the entire deposition “Highly Confidential – Attorneys Eyes Only.” Plaintiffs concede that this designation occurred “at the beginning of the deposition,” and therefore without any knowledge of the actual information that was ultimately elicited. Pls.’ Mot. for Sanctions Based On The Jones Defendants’ Violation Of The Protective Order, DN. 394.00, at 4, Jul. 6, 2021. Plaintiffs’ counsel did not indicate on what basis he was able to make the required good faith determination that unknown information yet to be elicited via the deposition should be protected by the PO.
- c. Accordingly, counsel for the defendants believed that plaintiffs’ counsel failed to satisfy the PO’s good faith determination threshold requirement. This threshold requirement could not be met because plaintiffs could not know whether the information it sought to protect would fall within the definition of confidential information contained in the PO.

rulings ultimately resulted in Judge Bellis depriving the Jones Defendants of any meaningful opportunity to be heard prior to the court's imposition of sanctions only magnifies this effect. Moreover, the plaintiffs have suggested that the Jones Defendants played a role in a threat made by an unknown third party against Judge Bellis. At a minimum, this accusation creates an intolerable appearance of impropriety that would cause a reasonable person to doubt Judge Bellis' impartiality and ability to fairly exercise her judicial authority.

23. I execute this affidavit for the purpose of seeking recusal by Judge Bellis and obtaining transfer of the hearing of this case to another judge.


NORMAN A. PATTIS

Signed and sworn to before me at Media, PA, this 20th
day of Oct, 2021.


Notary Public

Commonwealth of Pennsylvania - Notary Seal
William Lee Cavanagh, Notary Public
Delaware County
My commission expires June 26, 2025
Commission number 1024960
Member, Pennsylvania Association of Notaries

Exhibit A

NO: FBT-CV18-6075078-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6076475-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6081366-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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ATTORNEY MATTHEW S. BLUMENTHAL
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Systems, LLC:

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Pattis & Smith, LLC-(*Ordering Party, Kevin M. Smith, Esq.*)
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Representing the Defendant, Cory Sklanka:

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Representing the Defendant, Midas Resources, Inc.:

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Recorded and Transcribed By:
Catherine Hudder, Court Monitor
1061 Main Street, 4th Floor
Bridgeport, CT 06604

1 THE COURT: All right. I'll take up the
2 Lafferty matters. If you could step forward and
3 identify yourselves for the record.

4 (There was a brief interruption.)

5 ATTY. MATTEI: Good afternoon, Your Honor.
6 Chris Mattei for the plaintiffs.

7 ATTY. STERLING: Good afternoon, Your Honor.
8 Alinor Sterling, also for the plaintiffs.

9 ATTY. BLUMENTHAL: Good afternoon, Your Honor,
10 Matt Blumenthal for the plaintiffs.

11 ATTY. JAKIELA: Good afternoon, Your Honor,
12 Kristan Jakiela, Regnier Taylor on behalf of Cory
13 Sklanka.

14 ATTY. PATTIS: Good afternoon, Judge. Norm
15 Pattis on behalf of what I'll refer to as the Alex
16 Jones defendants.

17 ATTY. BROWN: Good afternoon, Your Honor.
18 Stephen Brown on behalf of Midas Resources.

19 THE COURT: All right. So I saw the plaintiff's
20 response that was filed today, and I'm just not sure
21 if the defense has had time to see it.

22 ATTY. PATTIS: I have not, Judge. I was in
23 another proceeding this morning elsewhere.

24 THE COURT: Do you want me to print you out a
25 copy and you can take a look at it or how do you want
26 to proceed? Whatever you want.

27 ATTY. PATTIS: I'm being handed a copy.

1 THE COURT: I'm happy to take a nice recess at
2 this point.

3 ATTY. PATTIS: Could we? As I look through it
4 it's more than a five-minute speedread -- or it's all
5 of a five-minute speedread, that won't seem like
6 forever.

7 THE COURT: Yes. So I'll take a brief recess
8 and just let me know when you're ready for me.

9 ATTY. PATTIS: Okay. Thank you.

10 ATTY. MATTEI: Thank you, Judge.

11 THE COURT: No problem, no rush. Take a recess.

12 (The court was recessed and then reconvened.)

13 THE COURT: Please be seated.

14 So you're here on the motion for extension of
15 time that was filed yesterday; is that -- I'm not
16 looking for argument on it, I just want to make sure
17 I'm adjudicating the right thing, that's all. Is
18 that why we're here?

19 ATTY. MATTEI: I think that, Your Honor, and the
20 motion to compel which is related and which we filed
21 I think over a week ago now or about a week ago.

22 THE COURT: And so, Attorney Pattis, it's your
23 motion for extension of time. Your response sort of
24 to the motion for compel, would you say?

25 ATTY. PATTIS: The operative phrase being sort
26 of, yes.

27 THE COURT: Say -- I'm sorry.

1 ATTY. PATTIS: Operative phrase being sort of,
2 yes.

3 THE COURT: Okay. So I'm ready to adjudicate it
4 if it's ready to go.

5 ATTY. PATTIS: Are you prepared to hear any
6 argument?

7 THE COURT: No, it's not necessary. I'm --

8 ATTY. PATTIS: Well, because my integrity has
9 implicitly been called into question I'd like to
10 address it.

11 THE COURT: Not by the Court and it's not an
12 issue. So why don't you have a seat and let me just
13 see --

14 ATTY. PATTIS: I apologize.

15 THE COURT: No, that's all right.

16 So I don't --

17 ATTY. MATTEI: May I just say for the record,
18 Your Honor. I'm sorry to interrupt you, I'm sorry.

19 THE COURT: I don't -- this is not a soapbox. I
20 don't want --

21 ATTY. MATTEI: No, no. I just want to make it
22 clear for Attorney Pattis that we're not -- we don't
23 think he had any involvement or any awareness of the
24 conduct that we described.

25 THE COURT: I'm just going to deal with the
26 extension of time and no other issues, so it's not a
27 problem, but I just -- I do want to say one thing.

1 So I think counsel are operating under a
2 misapprehension, to be honest, because what we have
3 here are Court-ordered deadlines. So unlike the
4 Practice Book deadlines, you know, where you have
5 your, I think it's 60 days now to file your discovery
6 responses, and sometimes counsel agree to let it go
7 further or you have that Practice Book provision that
8 lets you have a side agreement on expert disclosure
9 and expert discovery; you know, this is a different
10 story.

11 So in this case we had the original -- your
12 agreement, your deadline to have --

13 And I say "your", Attorney Pattis. I don't mean
14 you because you weren't in the case, but the parties'
15 agreement to have the discovery done by -- let me see
16 what the date was. The agreed-upon date to complete
17 discovery was April 15th. So then I entered the
18 court order honoring that agreement and that was the
19 Court-ordered deadline for discovery, and we had also
20 set up the other deadlines and then we had the
21 deadline for the hearing on the motion and such.

22 And then, again, I honored your agreements. You
23 asked for February 23rd for discovery responses and I
24 entered that as an order as well indicating that the
25 discovery responses were due February 23rd.

26 So once there's a court order you can't then
27 have a side agreement on a court order. If you want

1 to modify a court order just simply file a motion and
2 come back and ask for the Court to adjudicate it, and
3 that didn't happen here.

4 So while I really appreciate the fact that
5 counsel are -- or were, I should say, you know,
6 trying to work together to get the end result, I
7 think that the appropriate way to proceed in the
8 future is to have either a joint motion to extend or
9 a joint motion to modify or a unilateral one and then
10 bring it to the Court's attention; because, frankly,
11 if you had originally asked for an agreed-upon
12 extension of the court order I would have gladly done
13 it and honored your agreement.

14 And also, as I've said right from the start on
15 this, I'm on top of my cases so whenever anybody
16 files a case flow request, just like we did with the
17 confidentiality agreement, as soon as you all file a
18 discovery request -- when you file it, the second
19 file it it electronically goes to the case flow
20 office; and I'm telling you within minutes they're
21 sending it to me electronically. And this is not
22 just in your case, obviously, but in all cases. So
23 we're very responsive, so if you did -- if anyone
24 needed an extension or needed a motion ruled on or
25 needed a status conference we're very, very
26 responsive like that.

27 So to get to the end result, Attorney Pattis, I

1 don't have any problem at all giving you the two
2 weeks. I do think that it was not proper for the
3 defendants to wait for the Court-ordered deadline to
4 pass and not ask for a modification of the Court's
5 order. So what we have, what you're asking for,
6 although I'm going to give it to you, frankly; but
7 what you're asking for is for another court order on
8 a deadline where you already had, the defendants
9 already had a court order for a deadline and just let
10 it go. So I'm not a big fan of wasting everybody's
11 time and, you know, entering new court orders on
12 deadlines that, you know, weren't responded to in the
13 first place.

14 So I don't have a problem to do that. I'm going
15 to put it with the caveat that I urge the defendants
16 to honor this Court-ordered deadline because the
17 defendants are the ones that want their motion to
18 dismiss adjudicated, but if they're going to continue
19 to ignore court deadlines they're going to lose the
20 ability, quite frankly, to pursue their motion to
21 dismiss.

22 So I urge you to please comply with this new
23 Court-ordered deadline so that you are not
24 jeopardizing your special motion to dismiss, because
25 that is what is going to happen here. We have
26 deadlines for discovery, the depositions, for
27 argument. These cases are supposed to move forward

1 at a faster rate than your typical case, and I am not
2 a believer --

3 And, again, Attorney Pattis, you're new to the
4 table here and in no way, shape or form am I faulting
5 you, but the defendant had an obligation to meet that
6 Court-ordered deadline and they simply didn't do it.
7 Instead, I had a status conference all scheduled that
8 got cancelled somehow by agreement at which point I
9 could have addressed the issue. So I don't
10 appreciate, you know, the parties asking me to enter
11 orders and then ignoring them; all right?

12 Anything else to adjudicate today? Just tell me
13 what's ready to be adjudicated because I'm not going
14 to -- we're not going to go back and forth on it.

15 Anything ready to be adjudicated?

16 ATTY. MATTEI: Well, I think what we need to
17 know is whether or not this extension now means that
18 the deposition schedule that we had previously set
19 and which the Court had set also needs to be moved.

20 THE COURT: Why don't I pass it and why don't
21 you have an opportunity to talk to each other and see
22 if you can come up with a proposal on that. I'd
23 rather have you work together and give me a proposal.
24 Does that make sense?

25 ATTY. PATTIS: Yes.

26 THE COURT: Okay. All right. So I'll take a
27 brief recess. Just let me know -- I'm sure I'll have

1 a volunteer to come back in to let me know when
2 you're ready, Counsel.

3 (The Court was recessed and then reconvened.)

4 THE COURT: Please be seated.

5 All right. So were you able to work things out?

6 ATTY. PATTIS: Judge, on behalf of the Jones
7 defendants I now understand better the dynamics that
8 bring the case to this juncture and what -- I
9 explained to my adversaries is I expect to be moving
10 another attorney in pro hac vice and I've worked with
11 that attorney to get the discovery together because
12 I'm not going to sign off on something I haven't
13 reviewed. And so we will be filing a motion fairly
14 soon. It will come to the Court's attention and
15 the Court will do with it as it will. If that's
16 granted --

17 THE COURT: Can I interrupt you for a second?
18 Can you file it with a case flow request so it
19 gets -- I can deal with it right away?

20 ATTY. PATTIS: Yes.

21 THE COURT: I don't think it's really necessary.
22 I really -- as I said last time I don't think it's
23 appropriate for other attorneys to weigh in on a pro
24 hac application, it's between the applicant and the
25 Court, so I'm not going to -- last time I afforded an
26 opportunity to file an objection and I think you were
27 neutral on it anyway; this time I'm just going to do

1 what my job is which is to review the application and
2 either grant or deny.

3 So just file it with a case flow request, if you
4 don't mind, and then I could probably rule on it the
5 same day.

6 ATTY. PATTIS: So --

7 THE COURT: When do you think you're going to do
8 it, just roughly?

9 ATTY. PATTIS: I was hoping to do it last week
10 and here it is the end of this week, so I will take
11 steps to get it done as soon as possible, hopefully
12 by Monday. Then when the Court acts on that I'll --
13 if it is denied then I will have independent
14 obligations to perform certain things. The person
15 who's going to be moving claims to have been involved
16 with the file for a while and has made
17 representations to me about the number of documents
18 that have been reviewed and what to expect. So if
19 he's not going to be permitted to appear I'm going to
20 have to satisfy myself that I can honor my
21 obligations to the Court. I may need to seek an
22 additional bit of time but I'll do my best not to.

23 So I think what we -- and I believe we have all
24 agreed that the depositions were -- will need to be
25 postponed and the current discovery deadline of April
26 15th will need to be adjusted. But we've not come up
27 with an alternate date. I think it's because what

1 I've done is I tried to brief the plaintiffs on what
2 I expect they will get based on the representations
3 made to me, and there may be some concerns that there
4 may be more in some areas than they expected, there
5 may be a whole lot less in others. There may be an
6 extensive privilege claim related to some litigation
7 in Texas, depending on what happens in Texas today,
8 could be simple or complicated, so I don't know.

9 THE COURT: Right. And I did read somewhere
10 about the privilege. Just make sure whatever
11 privilege claims are made that we have a 13-3
12 privilege log, okay. Just follow it exactly if you
13 don't mind.

14 And the timeframe, whatever it is in the
15 Practice Book, I think it's 45 days, that's not going
16 to apply here, so you'll file the privilege log and
17 you're going to work on an expedited schedule to see
18 where that leads you.

19 So is it that you need to have a better idea
20 whether you're going to have pro hac in the case
21 before --

22 ATTY. PATTIS: Yes.

23 THE COURT: So do you want to -- I hate to say
24 come back again, but you know just -- I can rule on
25 it as soon as you file it. Do you want to come back
26 next week after I've ruled on it and then you're
27 going to know, okay, I'm either going to have pro hac

1 in the case or I'm not, and then you can figure out
2 your dep --

3 ATTY. PATTIS: I think for the plaintiffs --
4 yeah, I mean, we're on the expedited track because of
5 our motion so I think we're going to need to come
6 back and the sooner the better.

7 THE COURT: So do you just want to come back
8 next week then?

9 ATTY. PATTIS: Does it have to be on a Thursday?

10 THE COURT: No. What day -- well, if you want a
11 Monday or Friday it's got to be in Waterbury.

12 Tuesday afternoon I'm in Waterbury but I'll be here
13 in the morning, and I know I have a meeting.

14 What day works for everyone and I'll tell you --

15 ATTY. PATTIS: Is it possible to do Wednesday,
16 Judge.

17 THE COURT: Does that work for everybody?

18 ATTY. STERLING: That's fine, Your Honor.

19 ATTY. BROWN: That's fine, Your Honor.

20 THE COURT: I can do the morning up un -- you
21 know, I can give you a slot up until -- you could
22 have 12 o'clock as the latest slot I can give you,
23 but the afternoon I can't schedule anything else.

24 ATTY. PATTIS: Would the Court -- I don't mean
25 to boutique shop this. I have proceedings in another
26 court. Is it possible to come in at nine on
27 Wednesday or is noon the only time that's available?

1 THE COURT: No, you can come anytime. Anytime
2 up until noon.

3 ATTY. PATTIS: Can we come at nine on Wednesday?

4 THE COURT: Sure, if that works for everybody.

5 ATTY. STERLING: That's fine.

6 THE COURT: All right. So you anticipate,
7 Attorney Pattis, filing the application before then,
8 it will be ruled on and then -- you know, once -- can
9 I just suggest -- I'm sure you'll do it anyway, but
10 depending on when Attorney Pattis files it, once he
11 files it maybe you can start your discussions before
12 you come here and even -- honestly, if it's filed
13 early enough and ruled on early enough and you make
14 enough progress that you don't need to come you could
15 always file a proposed schedule and avoid the need to
16 even come on Wednesday.

17 ATTY. PATTIS: Okay.

18 THE COURT: Okay? So why don't you tell Case
19 Flow Wednesday nine o'clock. I'll look out for the
20 pro hac application and see where it goes.

21 Anything else for today?

22 ATTY. PATTIS: Nothing for the plaintiff or the
23 defendants.

24 THE COURT: All right. Thank you. Take a
25 recess.

26 Thank you, Madam Monitor, for sitting there for
27 that long.

NO: FBT-CV18-6075078-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

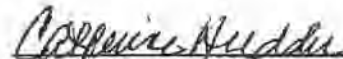
NO: FBT-CV18-6076475-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6081366-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 7th day of March, 2019.

Dated this 25th day of July, 2019 in Bridgeport,
Connecticut.


Catherine Hudder
Court Recording Monitor

NO: FBT-CV18-6075078-S : SUPERIOR COURT
 ERICA LAFFERTY, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
 V. : AT BRIDGEPORT, CONNECTICUT
 ALEX EMRIC JONES, ET AL : MARCH 7, 2019

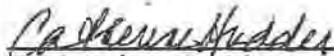
NO: FBT-CV18-6076475-S : SUPERIOR COURT
 WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
 V. : AT BRIDGEPORT, CONNECTICUT
 ALEX JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6081366-S : SUPERIOR COURT
 WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
 V. : AT BRIDGEPORT, CONNECTICUT
 ALEX EMRIC JONES, ET AL : MARCH 7, 2019

E L E C T R O N I C C E R T I F I C A T I O N

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Dated this 25th day of July, 2019 in Bridgeport,
 Connecticut.



Catherine Hudder
 Court Recording Monitor

Exhibit B

NO: FBT-CV18-6076475 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MARCH 13, 2019

NO: FBT-CV18-6075078 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MARCH 13, 2019

NO: FBT-CV18-6081366 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MARCH 13, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

ATTORNEY CHRISTOPHER MATTEI
 ATTORNEY ALINOR STERLING
 ATTORNEY MATTHEW BLUMENTHAL
 Koskoff, Koskoff & Bieder, PC
 350 Fairfield Avenue
 Bridgeport, CT 06604

Representing the Defendants Alex Jones; Infowars, LLC; Free
 Speech Systems, LLC; Infowars Health, LLC; and Prison Planet
 TV, LLC:

ATTORNEY NORMAN PATTIS
 Pattis & Smith Law Firm -- Ordering Party
 383 Orange Street
 1st Floor
 New Haven, CT 06511

Representing the Defendant Cory Sklanka:

ATTORNEY KRISTAN JAKIELA
 Regnier, Taylor, Curran & Eddy
 100 Pearl Street
 14th Floor
 Hartford, CT 06103

Representing the Defendant Midas Resources, Inc.:

ATTORNEY STEPHEN BROWN
 Wilson Elser Moskowitz Edelman & Dicker
 1010 Washington Boulevard
 Stamford, CT 06901

Recorded By:
 Colleen Birney
 Transcribed By:
 Colleen Birney
 Court Recording Monitor
 1061 Main Street
 Bridgeport, CT 06604

1 THE COURT: Calling the Lafferty matters. If
2 you could step forward, identify yourselves for the
3 record?

4 ATTY. MATTEI: Good morning, Your Honor; Chris
5 Mattei for the plaintiffs.

6 THE COURT: Good morning.

7 ATTY. STERLING: Good morning, Your Honor;
8 Alinor Sterling, also for the plaintiffs.

9 ATTY. BLUMENTHAL: Good morning, Your Honor;
10 Matt Blumenthal for the plaintiffs.

11 ATTY. PATTIS: Good morning, Judge; Norm Pattis
12 for Alex Jones and the Infowars defendants.

13 ATTY. JAKIELA: Good morning; Kristan Jakiela
14 for Cory Sklanka.

15 ATTY. BROWN: Good morning, Your Honor; Stephen
16 Brown on behalf of Midas Resources.

17 THE COURT: Please be seated and let me take
18 care of some housekeeping matters first.

19 So the transfer went through to Waterbury and I
20 did put an order in the file just so that we're all
21 on the same page that unless you would prefer a
22 particular event to take place in Waterbury, which is
23 fine with me, that we would continue to have the
24 events here, until September at least when I'm in
25 Waterbury fulltime. And I would do whatever
26 everybody agreed to. If you want all of them in
27 Waterbury moving forward, that's fine with me, too,

1 as long as it's a day that I'm there.

2 I did e-file, or I should say I had the Clerks
3 e-file a two-page -- two of three pages of a letter
4 that Attorney Randazza had sent to the Clerk. So I
5 don't know if you've seen that yet.

6 And I do want to make a disclosure on the
7 record. Let me just pull up the case because the old
8 docket number now doesn't work and I've got to find
9 the new case. What day were you here last week? Do
10 you remember, does anyone remember?

11 ATTY. MATTEI: It was Thursday, Your Honor.

12 THE COURT: Thursday. Because now the events
13 from Bridgeport have sort of disappeared and now we
14 have a -- so Thursday the 7th when I got home that
15 night, there was a judicial review complaint in my
16 mail from Mr. Halbig, the defendant. So I sent out
17 notice, I don't know if you've seen it yet, for the
18 disqualification. I want the hearing on the record.

19 And I wanted to give him enough notice so that he
20 can attend the hearing. I know he hasn't been to
21 anything to date. And I also put a further
22 explanation in there because I think he's made
23 filings and hasn't claimed them to be adjudicated.
24 So I just wanted to address that as well. But I
25 certainly -- I'm happy to address the issue today
26 with anyone who would like it addressed today since
27 I'm making the 122b disclosure, or we can all do it

1 on the 26th. Whatever your preference is. So it's a
2 pending judicial review complaint.

3 ATTY. MATTEI: Your Honor, I think we're happy
4 to just have it handled on the 26th.

5 THE COURT: Okay. Anybody --

6 ATTY. PATTIS: Is that the -- I haven't seen the
7 recent filing. You said the 26th of March, Judge?

8 THE COURT: Yeah. I put it --

9 ATTY. PATTIS: Because I'm on trial in
10 Middletown that week and I'm not going to be
11 available. So on behalf of the Jones defendants, we
12 will -- we take no position on Mr. Halbig's filings.
13 We certainly don't join them.

14 THE COURT: Okay. Thank you. Anyone else want
15 to be heard or anybody else want to --

16 ATTY. BROWN: The 26th is fine.

17 THE COURT: Well, except we're going to have to
18 move that date for Attorney Pattis.

19 ATTY. BROWN: Well, yeah. All at once, Your
20 Honor, is fine.

21 THE COURT: Well I suppose on the 26th I'll just
22 go forward with his -- with the 122b hearing only
23 because he lives out of state and he may be planning
24 to come up for it. So you don't have an objection to
25 that, Attorney Pattis?

26 ATTY. PATTIS: I don't. And I can send an
27 associate if the Court would -- if it would make a

1 better record. But I will be in trial in Middletown.

2 THE COURT: If you have an associate to send,
3 that would be terrific. And then -- but if you
4 don't, then I'll just limit the issues just to the
5 disqualification on his issue.

6 ATTY. PATTIS: Okay.

7 THE COURT: So we'll see -- either way, it will
8 work out. All right.

9 So I have been checking literally on a daily
10 basis to see if there was a new pro hac application,
11 and I haven't seen it yet. Am I missing it, Attorney
12 Pattis?

13 ATTY. PATTIS: You are not. I was informed last
14 week that counsel who expressed an interest in
15 appearing will not be appearing and that I will in
16 fact for the foreseeable future be the only counsel
17 for these defendants. That information caught me by
18 surprise, given the representations that were made
19 when I was first retained, and it puts me in an
20 ethically ambiguous position because to date I have
21 not had the cooperation I would need to discharge my
22 obligations on the pending discovery orders in a way
23 that would permit me to put my signature to a
24 document. And --

25 THE COURT: It would be your client's signature,
26 though, right, on the discovery responses?

27 ATTY. PATTIS: Well, I still -- I think I'm

1 required to review certain items and not simply pass
2 along what I'm given. I've been able to identify an
3 IT person who has access to the various databases
4 that are necessary. Representations to me have been
5 made that when the key words were punched into the
6 various databases, 80,000 documents were flagged;
7 about 5000 of those are potentially relevant. And I
8 -- Counsel that was to have appeared here, seems to
9 believe they may be privileged under Connecticut law.

10 That's an assessment I think I need to make if I'm
11 going to raise that claim. I believe my discovery
12 responses are due next week. I'm not going to be
13 able to do that by next week, and I have not sought
14 my adversaries' consent since I don't think they'll
15 give it.

16 But I am going to be requesting a couple of
17 additional weeks because one of three things is
18 possible. I'm either in this alone for the duration,
19 in which case I'm going to have to form better
20 relationships with the clients and their
21 representatives. Or two, I've been used as a
22 stalking horse for purposes of delay, which I believe
23 is the plaintiffs' position. Or three, I'll get the
24 cooperation I need. And at this point, I'm not in a
25 position to tender that discovery. I can produce
26 some material that was given to me, but I -- I can't
27 make any warranties or representations about its

1 provenance.

2 THE COURT: Do you have any knowledge about the
3 pending discovery in the Texas case? Has there been
4 discovery in that case that you can piggyback along
5 with or can you make partial discovery by the
6 deadline? I suppose I don't want to --

7 ATTY. PATTIS: I can make partial, yes. But the
8 problem I have, Judge, is I'm going to be passing
9 along something that I've not reviewed that I've been
10 given to -- that I've been given by non-appearing
11 counsel. And I have some reservations about that.
12 However, I don't want to be involved in a lengthy
13 delay and I certainly don't want to come here each
14 week and make excuses.

15 The Texas case, apparently the anti-select
16 statute is governed by a strict statutory timeline.
17 And I believe that the matter must be concluded
18 sometime next month. I'm told that there are
19 differences in their journalistic privilege laws
20 between ours and Connecticut, and this may have
21 created an issue. I've still not been given a
22 straight answer on that. But I can -- I will provide
23 such compliance as I can. My understanding is the
24 Connecticut plaintiffs have been given a copy of the
25 compliance from Texas, but I don't know that. I've
26 seen emails that suggest that's the case.

27 THE COURT: So you're intending to file -- just

1 so we have a good appellate record, you're going to
2 file a motion, and then I assume the plaintiffs will
3 file with respect to the discovery deadlines.

4 ATTY. PATTIS: I may have to. At this point it
5 would be my intention to do so. I'm still trying to
6 get what I need. I mean, as an example, I was given
7 a signed copy of some interrogatory responses that
8 responded to a certain number of questions. When I
9 asked my adversaries for copies of what was active in
10 terms of the discovery requests; those requests
11 exceeded the numbers to which I had responses. And
12 when I read the files, it's not as though the ones
13 for which there were no responses were -- there were
14 objections sustained to it. It's just things got
15 deleted, and I don't know who did that or why. And I
16 don't want to get involved in gamesmanship. I want
17 to make one disclosure and get it done and then move
18 on the merits of the case. But I'm responsible for
19 the side of the aisle that I represent. I'm just
20 relatively new. It's not that complicated a file
21 once you actually sit down and read it. But the
22 discovery situation is a mess right now.

23 And I've explained to people who need to know of
24 the observations that the Court made yesterday, that
25 is, that we're -- or last week -- that we're here on
26 the defendant's special motion to dismiss, and that
27 motion may be in jeopardy depending on compliance

1 with this Court's orders.

2 THE COURT: I think that's a fair assessment.

3 ATTY. PATTIS: That's why -- I heard you say it.

4 THE COURT: Anyone else at this point? I
5 suppose I'm just going to wait if and when there's a
6 motion filed by either side. Should we pick a date
7 to come back?

8 ATTY. MATTEI: So I think the current deadline,
9 Your Honor, is the 20th. I guess it just depends on
10 how quickly Attorney Pattis thinks he'll feel
11 compelled to file the motion. And then we -- we
12 wouldn't need much time I think in response. So if
13 Attorney Pattis's intention is to file a motion for
14 an extension this week, I'm sure could have it teed
15 up for a hearing late next week.

16 THE COURT: And is there any worth in discussing
17 the possibility of beginning depositions and --
18 without having a first round of depositions and then
19 having, once the compliance is made, having a second
20 round of depositions modifying the deposition scope
21 and length and such?

22 ATTY. MATTEI: I don't think so, Judge, just
23 because we've -- the Court's orders on depositions
24 were tailored to the idea that we were going to
25 receive a certain set of documents that the Court had
26 authorized. We're hearing that there may be a pretty
27 broad claim of privilege, which means that even if we

1 got an initial set of documents, many would be
2 withheld that would probably require this Court's
3 review to determine whether they were properly
4 privileged. That's what happened in Texas. Just
5 recently the Texas Court frankly denied in total
6 their claims for privilege, and thousands and
7 thousands and thousands of documents had already been
8 disclosed down there. So our view is that this
9 should happen sequentially. We should get the
10 documents in accordance with the Court's order. We
11 should promptly have depositions.

12 THE COURT: All right.

13 ATTY. PATTIS: Judge, it raises a question in my
14 mind, if in fact the Plaintiffs' Counsel has obtained
15 these Texas documents, why am I being required to
16 produce them again? And then we should move forward
17 with the discovery.

18 THE COURT: I don't think so, Attorney Pattis,
19 because I can't be responsible for --

20 ATTY. PATTIS: I understand that.

21 THE COURT: -- for the Court's rulings in that
22 case, nor do I have those attorneys standing before
23 me and compliance in this case. So I'm just dealing
24 very simply with the motion to dismiss and these
25 cases, and this point whether or not it's going to be
26 permitted to go forward. So do you want to go over
27 to Case Flow and -- are you looking to come do it in

1 Bridgeport next week?

2 ATTY. PATTIS: If it's going to be Bridgeport,
3 Judge, can we come on the afternoon of the 22nd?
4 That's the only time that I'm free.

5 THE COURT: I'm in Waterbury on that Friday. I
6 can do Waterbury, I think. I can check, if you want
7 me to. But now that -- what is our deadline, the
8 20th?

9 ATTY. PATTIS: Right.

10 THE COURT: I want --

11 ATTY. PATTIS: I'll know by Monday what -- if
12 I'll be in a position to tender a meaningful
13 response.

14 ATTY. MATTEI: It sounds like in any event
15 you're going to need an extension. You're not going
16 to be in a position to comply completely by the 20th.

17 ATTY. PATTIS: I'm almost certain of that. So
18 I've asked -- I've asked for an affidavit from the
19 person who prepared the documents so that at least I
20 have some meaningful methodology to represent to my
21 adversaries. For example, I discussed with them
22 material that I got, and my indication was that it
23 was inadequate. And so I don't --

24 THE COURT: I'm sorry, it was?

25 ATTY. PATTIS: Inadequate. In other words, that
26 there were inadequate responses --

27 THE COURT: Right.

1 ATTY. PATTIS: -- to certain written
2 interrogatories. And I've looked at them and I think
3 I agree. So I'm probably not going to be in a
4 position, unless there is a miracle, to reply on
5 Monday. But I'd like a miracle, because I don't want
6 to keep coming down here every week.

7 THE COURT: I can do 2:00 on the 22nd in
8 Waterbury --

9 ATTY. PATTIS: In Waterbury?

10 THE COURT: -- if that works?

11 ATTY. STERLING: That's fine, Your Honor. And
12 just -- I'll probably be handling the briefing. So
13 just so I understand, so Attorney Pattis will file
14 any extension motion by the 18th?

15 ATTY. PATTIS: No, by Monday. Is that Monday,
16 the 18th?

17 ATTY. STERLING: Monday the 18th, yeah. And
18 then we'll be back in Waterbury the afternoon of the
19 22nd. And compliance deadline for the moment
20 pursuant to the Court's order is the 20th.

21 THE COURT: All right. Anything else today?

22 ATTY. PATTIS: Nothing from the defendants.

23 ATTY. MAITEI: No, Your Honor. Thank you.

24 THE COURT: Thank you very much, Counsel.

25

26

27

(END OF TRANSCRIPT)

NO: FBT-CV18-6076475 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
		OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MARCH 13, 2019

NO: FBT-CV18-6075078 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
		OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MARCH 13, 2019

NO: FBT-CV18-6081366 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
		OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MARCH 13, 2019

C E R T I F I C A T I O N

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Dated this 14th day of March, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

NO: FBT-CV18-6076475 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MARCH 13, 2019

NO: FBT-CV18-6075078 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MARCH 13, 2019

NO: FBT-CV18-6081366 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MARCH 13, 2019

E L E C T R O N I C C E R T I F I C A T I O N

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Colleen Birney
Court Recording Monitor

Exhibit C

NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

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NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

ALEX EMRIC JONES : MARCH 22, 2019

* * * * *

B E F O R E:

THE HONORABLE BARBARA N. BELLIS,

Judge

A P P E A R A N C E S:

Representing the Plaintiffs:

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Representing the Defendant, Midas Resources:

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2

Representing the Defendant, Cory Sklanka:

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1 THE COURT: Good afternoon. Please be seated.
2 We're here on the Lafferty and related matters.
3 If you could please identify yourselves for the
4 record.

5 ATTY. STERLING: Yes, your Honor. Alinor
6 Sterling, Koskoff Koskoff & Bieder, for the
7 plaintiffs.

8 ATTY. BROWN: Good afternoon, your Honor.
9 Stephen Brown from Wilson Elser on behalf of Midas
10 Resources.

11 ATTY. JAKIELA: Good afternoon, your Honor.
12 Kristan Jakiela on behalf of Cory Sklanka.

13 ATTY. PATTIS: Good afternoon, Judge. Norm
14 Pattis on behalf of the Jones defendants.

15 ATTY. SMITH: Kevin Smith, also on behalf of the
16 Jones defendants, your Honor.

17 THE COURT: All right. Just give me one moment.

18 So I'm sure plaintiffs' counsel and co-defense
19 counsel has seen the motion for extension of time that
20 was filed yesterday?

21 ATTY. STERLING: Yes, your Honor.

22 THE COURT: And there were also some RFA's that
23 the plaintiff filed yesterday.

24 So I'll hear both sides, but I actually just had
25 a question just to clarify. When I read the March
26 21st Jones defendant motion, there was a statement on
27 page 3, Attorney Pattis, that said the defendants were

4

1 under the impression that their compliance had been
2 tendered. And I'm wondering if you could explain
3 that. Also, I did have a question for both sides. If
4 memory serves, when I was addressing what limited
5 discovery there would be, I thought we had
6 interrogatories and requests for production.

7 ATTY. PATTIS: I do have an explanation. It will
8 take a few moments, and I'd ask you to bear with me.
9 I've had -- I have discussed with Mr. Jones and I have

10 his consent to relate the following. And with your
11 permission, I'd also tender several affidavits today.
12 This is the history of -- I will take responsibility
13 for my side of the aisle. I am counsel of record and
14 going forward I will be sole counsel of record. Some
15 of the things that have occurred and for which the
16 Court appears prepared to act I don't think are the
17 fault of either my client or myself. And I'm asking
18 you to reconsider the denial of the motion to extend
19 and here's why. And I will get to the point you
20 raised.

21 THE COURT: Can we get to it sooner rather than
22 later?

23 ATTY. PATTIS: I'll get to it right now.
24 Initially, counsel was Mark Randazza and the Randazza
25 firm. Jay Wolman is the Randazza firm's
26 representative in Connecticut. He was not counsel of
27 choice for Mr. Jones.

5

1 THE COURT: Can I just stop you there, Attorney
2 Pattis? Attorney Wolman was the one who filed his
3 appearance.

4 ATTY. PATTIS: Understood. I'm trying to explain

5 what -- I really am being responsive to your question.

6 THE COURT: Okay.

7 ATTY. PATTIS: Mr. Randazza was not permitted to
8 enter. Barnes surfaced. He is a close --

9 THE COURT: I'm sorry. I didn't hear that. Mr.
10 --

11 ATTY. PATTIS: Randazza was not permitted to
12 appear pro hac vice. Barnes had Mr. Jones' ear.
13 Apparently they are -- these two knew one another
14 before this case. This is where I've been given
15 permission to waive the attorney-client privilege as
16 to Barnes by Mr. Jones. Barnes persuaded Jones that
17 he had viable privilege claims that Mr. Wolman did not
18 support. In particular, a claim that under Griswold
19 versus Connecticut, you can claim the right to privacy
20 as a privilege with respect to some of these discovery
21 responses. Mr. Wolman wouldn't sign on to that, and
22 there was a breakup.

23 At that point, Barnes contacted me some time in
24 late February. And I filed an appearance under the
25 representation that I would be moving him in pro hac
26 vice. As I represented to you earlier, I thought I
27 was going to be working under his direction. And he

1 represented to me that he was going to manage Mr.
2 Jones' legal disputes related to these claims in
3 several jurisdictions.

4 When I was -- to get to the only question you've
5 asked, Alex Jones was under the impression and had
6 been told by Barnes that full compliance -- he had the
7 material to fully comply in late February. And Jones
8 did not learn until apparently this week that that was
9 not the case.

10 THE COURT: So let me just -- I apologize because
11 I want to make sure I'm understanding this. So you're
12 telling me that Mr. Jones relied on the advice of
13 counsel who doesn't represent him in this case?

14 ATTY. PATTIS: I am telling you that Mr. Barnes
15 -- correct. Correct. And so I will take
16 responsibility for that. Okay. I came in and I
17 represented to you last time we were here that I
18 expected Barnes to appear pro hac vice, and I was
19 going to file that motion. I was informed shortly
20 thereafter that he would not be appearing. And at
21 that point I turned up the heat and said, I need
22 discovery compliance. And I received materials from
23 Barnes late on the day of March 20th.

24 THE COURT: Because when you filed your motion --
25 one of your motions for extension of time, the one
26 that I denied, the motion had said that you hadn't

27 received or reviewed any documents yet.

7

1 ATTY. PATTIS: Not -- if I said none, I
2 overstated it. I had received several inches worth.

3 THE COURT: I think you said that you had, on
4 March 18th, on that motion for extension of time, that
5 you had not been given any documents to review or
6 produce. That was what you said in your March 18th
7 because I really --

8 ATTY. PATTIS: I am going to correct that. I was
9 given about two inches of documents, and I didn't seek
10 an order to do rolling discovery because I had -- and
11 I was given those documents on or about March 6th. I
12 was also given some interrogatory responses on March
13 6th. Those interrogatory responses were not
14 satisfactory to my way of thinking. And I took steps
15 to get them amended. I don't have them at this point.
16 But in terms of the bulk of documents, there are nine
17 point three --

18 THE COURT: Let me just interrupt you, Attorney
19 Pattis, and I apologize, and I'm going to give you
20 honestly as much time as you need. So I'm just trying
21 to figure out the March 21st motion that you filed

22 that I read very carefully that Mr. Jones was under
23 the impression that full compliance had been tendered,
24 I'm just trying to understand how he could be under
25 that impression if he hadn't signed off under oath on
26 the interrogatory responses. So you wouldn't be
27 mistaken. Regardless of what anyone told you, four

8

1 lawyers are involved now. All right. So four
2 different lawyers. If you haven't signed
3 interrogatory answers under oath, how can you believe
4 that full compliance had been tendered? It doesn't
5 seem to be a reasonable belief, if I accept that
6 version.

7 ATTY. PATTIS: Well, I'm representing, as your
8 officer, the facts as I know them to be.

9 THE COURT: I am not -- Attorney Pattis, I am not
10 in any way shape or form casting aspersions. I accept
11 your representations as an officer of the Court. But
12 your representation is what his impression was, what
13 he believed. And that's why I started out asking
14 about interrogatory answers. You can't -- how could
15 your client be under the impression that full
16 compliance had been tendered if he had never signed

17 the interrogatories under oath?

18 ATTY. PATTIS: He had signed the interrogatories,
19 but not the requests for production. I don't know if
20 I shared with you, I shared with co-counsel, that the
21 interrogatories, that responses came with some
22 handwritten material on it, confidential and subject
23 to protective order, which I recognize to be Mr.
24 Jones' handwriting. And then he signed on the last
25 page. That's meaningless to me. I'm not going to
26 tender a document that's meaningless.

27 THE COURT: So you have in front of you a set of

9

1 interrogatory answers that you're not satisfied with
2 that he signed under oath?

3 ATTY. PATTIS: Right, I do.

4 THE COURT: On that date.

5 ATTY. PATTIS: March 6, 2019. That was the day I
6 believe they were due. At that point, I was operating
7 on the assumption, Judge, that I was his -- I was
8 local counsel for someone who had yet to appear. They
9 were prepared over my signature. I wasn't prepared to
10 sign off on them because I had had no opportunity to
11 do any due diligence. And that was the reason for

12 seeking a continuance.

13 As to the request for production, here's the
14 backdrop on that: The database that must be searched
15 here is composed of somewhere between nine point three
16 and nine point six million emails. The request for
17 individual searches is extremely time-consuming. For
18 example, in one of the --

19 THE COURT: I accept that. I accept what you're
20 saying that it's time-consuming, but not all of the
21 production requests were for emails. There was
22 marketing information. These were not all an e-mail
23 search. So, for example, there would be, if I looked
24 at them -- I don't have them in front of me -- I'm
25 sure there are some production requests that are not
26 burdensome to respond to and no substantial compliance
27 was made. And I'm not -- you are representing the

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1 Jones defendants, but they are -- it's their
2 obligation to comply. And I'm dealing with Attorney
3 Wolman's original representation with his first motion
4 for extension of time that there was going to be
5 significant document production by the initial
6 deadline, which didn't happen. I think part of the

7 problem --

8 ATTY. PATTIS: I can explain what happened there.

9 THE COURT: I think part of the problem is that
10 your clients are maybe tying their own lawyers' hands
11 by getting other lawyers involved so that nobody knows
12 what anyone else is doing. That would be the most
13 favorable light.

14 ATTY. PATTIS: I understand that, but I don't
15 think --

16 THE COURT: The least favorable light would be
17 manipulation.

18 ATTY. PATTIS: I don't think it was willful.
19 With respect to the interrogatory responses, every
20 single answer that I see -- and they prepared this for
21 my signature. I will not tender this. Every single
22 answer was -- and this is, I think, a misapprehension
23 of law which you may recall you went out of your way
24 to correct when last we were here. Every single
25 answer -- this is March 6, 2019 -- all responsive
26 unprivileged documents will be provided. All
27 privileged documents will be logged and provided on a

1 privilege log. Now, he was operating under the

2 assumption, which you corrected last time we were
3 here, that privilege logs can be tendered after
4 compliance. At that point, Judge, from my
5 perspective, I'm local counsel. I'm going to advise
6 him about the law. I advise him about the law, and I
7 tell him we need compliance. I warned my client's
8 in-house counsel, for lack of a better word, that the
9 Court has made clear on the record that a consequence
10 of noncompliance could be loss of a motion to dismiss.
11 I write a letter urgently to that lawyer late last
12 week saying, look, we've got to (indiscernible) this
13 stuff. I don't know what's going to happen.

14 I have since spoken with Jones, met with personal
15 representatives and spent more hours this week than I
16 had to spend to try to get to the bottom of what
17 happened. And here is what I am told. And this is
18 based on interviews with my client, this is based on
19 interviews with the IT person who's culling through
20 his emails, this is based on interviews with personal
21 representatives of his, this is based on interviews
22 with Wolman, and this is based -- and I can, if
23 necessary, get an affidavit from Attorney Barnes.
24 This is from conversations and communications with all
25 of them.

26 Mr. Jones was told by Mr. -- Mr. Jones' IT
27 person -- and I have an affidavit from him -- named

1 Jeff Zimmerman, gave Barnes sixty thousand or so
2 documents in late February. Barnes told my client
3 that this was full compliance and that it would be
4 tendered. No one told Jones until Tuesday of this
5 week -- I don't recall the date, maybe the 19th. The
6 19th is Tuesday. Nobody told Jones until the 19th of
7 this week that that didn't happen. At that point --
8 and I have authorization to tell you this -- I was
9 going to withdraw or make a motion to withdraw today
10 unless something else had happened because I cannot
11 defend an empty chair.

12 Now, Mr. Barnes has been eased out of the picture
13 and will no longer be involved in the case. I have an
14 affidavit from Jones indicating to you that I've been
15 given sole authority and responsibility for the
16 management of discovery in this case. The decision
17 not to tender partial discovery, that is entirely mine
18 because my view was, if I could seek an extension
19 until I could review it all, I would do so. I have
20 not been local counsel enough in cases where I'm going
21 to sign --

22 THE COURT: I understand that. Can I just
23 interrupt you for one second? And you can sit if you

24 want, whatever you're most comfortable with. Does
25 anybody have either an extra copy or one copy -- and
26 I'll have Mr. Ferraro make a copy of it -- of the
27 interrogatories and production requests so that I can

13

1 look at them?

2 ATTY. STERLING: I have them.

3 THE COURT: Is that an extra set?

4 ATTY. STERLING: I don't have, unfortunately, an
5 extra set.

6 ATTY. PATTIS: Judge, to advance things, I can
7 give you a copy of the signed ones. I brought copies
8 for everybody because I knew that this might come up
9 today. So I'll just tender a copy to everyone to look
10 at.

11 THE COURT: But these are the ones that you
12 didn't want to submit because you didn't feel they
13 were (indiscernible).

14 ATTY. PATTIS: I had an opportunity -- when I
15 first got involved in this case, I put a call in to
16 Attorney Sterling, who is known to me for many years
17 as a reasonable person and, frankly, a friend. And it
18 was made clear to me at this point there were some

19 reservations about my client's correspondence. I
20 don't recall if it was with Ms. Sterling or Mr.
21 Mattei, but on March 6th when I received these things,
22 I discussed what the answers were. I told them what
23 they were. And somebody, I don't recall who it was --
24 and I'm sorry, Alinor -- that one of the answers
25 didn't satisfy them. The question is, name all the
26 business entities and officers. And then the claim
27 is, well, these entities don't exist anymore. I think

14

1 the good faith answer is they're not asking at this
2 point who it is, but at the time relevant to the
3 lawsuit.

4 THE COURT: Here's the thing, Attorney Pattis: I
5 was told, not by you, but by the defendant Jones
6 through his first counsel that there was going to be
7 significant compliance even though they needed an
8 extension. I'm struggling to find any good faith.
9 You're new to the game and I accept what you tell me,
10 truly I do, but any good faith on the part of the
11 defendant. It's the defendant's discovery obligations
12 here. So, for example, I'm just looking at the first
13 few interrogatories. Even if some of the

14 interrogatories had been answered properly under oath
15 and then with the "to be provided", you know,
16 something that was properly responsive to the
17 interrogatories or production requests, not every one
18 of the production requests requires a search through
19 nine million or however many emails.

20 ATTY. PATTIS: That is my call, and I am solely
21 responsible for that. My view was, I was going to
22 respond once and then be done with it rather than get
23 involved in rolling discovery, which is difficult to
24 manage. I did not consult with my client on that. I
25 made that decision. If there should be sanctions in
26 that regard, they should be directed toward me and not
27 -- me personally and not toward the client because I

15

1 made that decision.

2 Frankly, from my perspective, Judge, my state of
3 mind was, you know, I've learned nine point three
4 million -- for example, one of the search terms was
5 give us every email that you have about the Sandy Hook
6 families or family members. When you identify the
7 plaintiffs, you identify their family members, it
8 comes to over a hundred people. Each search of the

9 nine point three database takes about twelve hours.

10 THE COURT: So if we just look at these. This is
11 an easy one. So the fifth interrogatory, identify any
12 witnesses you may call at a hearing on a special
13 motion to dismiss. What's the answer to that under
14 oath?

15 ATTY. PATTIS: The plaintiffs and Alex Jones.
16 That's satisfactory as far as I'm concerned.

17 THE COURT: What about the first one, business
18 organizations? Is that answered satisfactorily?
19 That's a pretty straightforward one. I'd take about
20 two minutes to figure that.

21 ATTY. PATTIS: After discussing with -- I don't
22 recall whom, but I tell you I did. The second one,
23 the answer is one that doesn't satisfy my adversaries.
24 No employees are assigned the duties of marketing,
25 data research, analytics concerning Infowars. The
26 only analytics are conducted by a third party Google
27 Analytics and Google Ad Manager. No marketing

16

1 analytics were ever done related to Sandy Hook. I
2 discussed that and the question was, well, can you
3 guys get the material from Google? I'm told the

4 letter has been written to Google. I've asked for it.

5 I don't yet have it. So that's the answer, but I've

6 been informed that's an unsatisfactory answer. And,

7 hence, the request for more time.

8 THE COURT: What about the other interrogatories?

9 ATTY. PATTIS: As to three, again, it may vary --

10 I don't think it varies. I'd have to check. There

11 were five sets.

12 THE COURT: I'm not even looking at the

13 production requests. I'm just looking at the

14 interrogatories.

15 ATTY. PATTIS: No employees were assigned the

16 duties of investigating any matter concerning Sandy

17 Hook on behalf of the case defendants. That's the

18 answer.

19 THE COURT: What about the fourth one?

20 ATTY. PATTIS: This may vary on the entity. Two

21 domain names are used and owned by Free Speech Systems

22 to disseminate content concerning -- it's not a

23 complete sentence. Two domain names are used by Free

24 Speech Systems to disseminate content concerning this

25 matter. And they are Infowars dot com and Prison

26 Planet dot com. That's it.

27 THE COURT: All right. So when you look at the

1 production requests, it looks like some of the
2 objections were sustained. I'm not --

3 ATTY. PATTIS: As to the financial matters and
4 tax returns, yes.

5 THE COURT: Just roughly, let's say, just
6 roughly, there's probably, say, sixteen that they have
7 to respond to, just roughly. So there have to be some
8 that you don't have the documents on. For example,
9 number eleven -- and I don't have in front of me the
10 rulings.

11 ATTY. STERLING: Your Honor, the rulings -- those
12 were done after the rulings. So there's a couple
13 notations where an objection was sustained in its
14 entirety, but otherwise the language is the language
15 that the Court approved. So that's fine.

16 THE COURT: That would have taken around three
17 minutes to comply with.

18 ATTY. PATTIS: I actually have compliance. There
19 are no documents in my possession. These are Court --
20 the Court ordered these documents sealed, and they are
21 placed in the lawyer's custody. So that is the
22 answer. And, again, this is a problem that I have
23 about the adequacy of the compliance, whether we need
24 to seek a Court order, but I called and made a phone
25 call because I remember reading something in the press

27 THE COURT: It's possession or control, right?

18

1 ATTY. PATTIS: Well, but the claim -- and I don't
2 know this as your officer and before I start flashing
3 documents around, I want to know it, but what I'm told
4 is the divorce transcripts were sealed and can only be
5 released with a Court order. Now, what's paradoxical
6 to me about that is the proceedings were nonetheless
7 open to the public because I recall reading about it.

8 THE COURT: So you're suggesting that even though
9 I've ruled this is the discovery in this case, that
10 Court order doesn't satisfy the ability to get the
11 transcript from his attorney?

12 ATTY. PATTIS: I'm telling you that when I moved
13 for a continuance on March 6th, it was because
14 precisely of things like this, and I was unwilling to
15 put my name on it. I'm just not. And I don't think
16 that's unreasonable on my part.

17 THE COURT: So were there any of the production
18 requests at all that you're in a position that you
19 feel that you have proper compliance at this point?

20 ATTY. PATTIS: As of today, yes. And I am told

21 -- I'd like to bring this -- I appreciate your
22 indulgence. Jeff Zimmerman -- so here's what I have
23 done since -- before you denied my motion for
24 extension, I've reached out to a data analytics firm
25 and described the universe of items that need to be
26 searched. I have --

27 THE COURT: I read that in your most recent

19

1 motion.

2 ATTY. PATTIS: I didn't know you denied my
3 motion. I came back from an early day in court
4 yesterday, so I had to get something out in a hurry.

5 THE COURT: (Indiscernible) data analytics.

6 ATTY. PATTIS: Whether my client will bear that
7 expense or whether the plaintiffs will bear that
8 expense, it's going to cost ninety to a hundred
9 thousand dollars to have that information system by
10 this firm go through the nine point three million
11 emails and sort them. Mr. Zimmerman has done plenty.
12 And he has completed under production request number
13 one -- I have the following notes and I have received
14 documents, Judge, in my office late Wednesday that
15 I've not had a chance to review, but I'm told that 1A

16 through N are completed, 2A through J, 3A through B,
17 4A through G, 7A through O, 8A through N. 17A through
18 F.

19 THE COURT: What about 18? That should be pretty
20 easy.

21 ATTY. PATTIS: I'm told those are completed, but
22 here's what I would like you to know and I have an
23 affidavit if you need it. This young man, Mr.
24 Zimmerman, has been involved in this search for weeks.
25 To do a literal search of every term that the
26 plaintiffs request would not be completed until April
27 15, 2019. I didn't know that when I made my motion

20

1 for April 3rd, but one of the things that's occurred
2 is the Texas -- the same kid is generating data for
3 Texas. And that case has been based on priority
4 because of the expedited schedule down there.

5 I'm also told, and I confirmed this this morning
6 in a conversation -- forgive me for not recalling his
7 name, the lawyer for Mr. Jones in Florida -- excuse
8 me, in Texas -- that today they've turned over twelve
9 thousand five hundred emails. They are under an
10 order -- and I can get those and turn them over. They

11 are under an order to complete discovery and/or face
12 fairly significant sanctions, and they're hoping to
13 have thousands more on Monday.

14 THE COURT: Does he have -- Attorney Pattis, does
15 he have a different lawyer in the Texas case than --
16 it's not Mr. Wolman, it's not Mr. Barnes, it's not Mr.
17 Randazza? It's somebody else?

18 ATTY. PATTIS: No. Here's what's going on in
19 Texas. And, again, it's awkward to put on the record,
20 but I have authorization to do so. Mr. Barnes has
21 apparently succeeded in being admitted pro hac vice in
22 Texas. And, therefore --

23 THE COURT: Who's the local counsel there?

24 ATTY. PATTIS: Mark Enoch (phonetic spelling).

25 THE COURT: So that's a different lawyer?

26 ATTY. PATTIS: Right. Enoch is local counsel in
27 Texas to the Jones defendants, and Mr. Barnes is pro

21

1 hac vice counsel. And there's been a struggle there.
2 Candidly, Judge, what blew this into crisis mode for
3 me and led me to consider withdrawing is I received a
4 phone call and had my first communication with Texas
5 counsel on Monday. And I had described a certain

6 email I had written to Barnes last week and the
7 failure to get a response to it. And that email I'm
8 not prepared to share, but it warned of dire
9 consequences. Three days passed and I didn't get a
10 response. So I sent another email to Barnes saying,
11 you know, what's up? Did you get my earlier email?
12 And I began to get responses. And then my phone rang
13 off the hook with people in the Jones organization who
14 apparently did not know and then who had not been
15 shown my communication with Barnes. And in those
16 communications, Jones learned for the first time that
17 although he believes that Barnes had a lot of
18 material, perhaps sixty thousand documents or emails
19 or whatnot since at least the end of February, which
20 is why Zimmerman thought he could turn them over and
21 Barnes had not done so.

22 THE COURT: If I could backtrack a little bit.
23 So how many documents have been produced to date
24 roughly in the Texas action? Just roughly, roughly.

25 ATTY. PATTIS: I don't think a lot. I think
26 twelve and a half thousand as of this morning. There
27 was a glitch yesterday where Texas thought they sent a

1 file, but three thousand of the pages were blank and
2 this has led to more recriminations. They intend to
3 send some thirty thousand more over the weekend or so
4 I'm told. I was on a teleconference this morning
5 where arrangements were made to bring in four lawyers
6 over the weekend to produce.

7 And, Judge, what's more, I have been given
8 assurances that I will be given everything that is
9 tendered in Texas to tender here. The problem is the
10 requests here are broader than the Texas requests.

11 THE COURT: All right. So if we can, if you
12 don't mind, can you just go through the
13 interrogatories and production requests that you
14 believe you are prepared to comply with at this point?

15 ATTY. PATTIS: At this point I think I've made a
16 significant error and poorly served the Jones
17 defendants by not doing rolling discovery. If I had
18 it to do again --

19 THE COURT: Well, if you don't mind, just humor
20 me. Can we just go through them and just identify
21 which ones you believe -- and I'm not holding you to
22 these exactly, but which ones you believe -- because
23 we're going to be together again on Tuesday.

24 ATTY. PATTIS: I wanted to seek relief on that,
25 but I'm on trial, Mr. Smith and I, on a jury case. We
26 were hoping we could be together to discuss this case
27 on the 2nd. I know you need somebody to cover

1 Halbig's motions on the --

2 THE COURT: I do. I cannot go forward on that
3 case without somebody -- I just don't want to put
4 myself in that position.

5 ATTY. PATTIS: I will have an associate here to
6 be a (indiscernible), but only Mr. Smith and I really
7 understand this issue. So if you need to see us again
8 on discovery issues, we would request the 2nd. One or
9 the other of us can be here. We expect a verdict by
10 then.

11 THE COURT: If you could just run through which
12 interrogatories first. So there's five
13 interrogatories. You already told me the answer to
14 number five. So what about one, two, three and four
15 in the interrogatories?

16 ATTY. PATTIS: I will give one --

17 ATTY. STERLING: I'm sorry to interrupt, your
18 Honor. I just want to see which defendant we're
19 talking about.

20 ATTY. PATTIS: All five defendants.

21 ATTY. STERLING: So all five. Okay.

22 ATTY PATTIS: I will tender all five and then

23 wait for the other side to tell me they think it's
24 insufficient and what I need to do to correct it.
25 That's the error I made. I thought I should get it
26 all done at once. I don't typically engage in motion
27 practice.

24

1 THE COURT: Well, you're telling me that you,
2 already looking at them can --

3 ATTY. PATTIS: I think it's a waste of time to
4 waste the Court's time on discovery disputes. One is
5 sufficient on its face as worded. I think it's worded
6 poorly. Identify all business in which you have
7 ownership and/or control. That speaks to today. I
8 don't really think they asked about today. I think
9 they meant to ask about a reach-back later. So my
10 answer is facially satisfactory, but too cute for
11 words. So I will tender it and let them say, no, we
12 meant later.

13 As to two, there is no one responsible for
14 marketing data, and we stand by that answer. I'm
15 asking for the information that suggests that they
16 were in touch with Google Analytics. At this point I
17 don't have it. I spoke to a person in personnel this

18 week about that.

19 Three, as to employees, there are none. I'm
20 prepared to tender that. The domain names or the URL,
21 whatever they are, those are in here and I can tender
22 that and the answer to witnesses is the same for each.
23 So I can offer those today.

24 THE COURT: All right. And the production
25 requests, out of the sixteen or so, can you just --
26 you don't have to -- can you just identify which ones
27 that you would be able to make partial compliance to?

25

1 ATTY. PATTIS: Yes. May I have a moment, Judge?

2 THE COURT: Take your time.

3 Attorney Sterling, do I have your only copy'?

4 ATTY. STERLING: You do. It's --

5 THE COURT: I'm going to give it back to you. I
6 can have --

7 ATTY. STERLING: Obviously I have more back at
8 the office, but it's -- I'm managing. It's okay.

9 ATTY. PATTIS: Judge, we have received this week
10 late in the day on the 20th what I was told were sixty
11 thousand emails. We've had some difficulty
12 downloading them that has crashed our system, but as

13 of this moment, I have thirty-seven thousand of them
14 on a hard drive. There are two issues. One -- well,
15 there are three issues. Whether any serious claims of
16 journalistic privilege are going to be interposed or
17 not. But the pressing issue is the attorney-client
18 privilege. I was on the phone with Texas counsel.
19 They are scrubbing to make sure there's nothing
20 privileged in here. What we're trying to get them to
21 do is give us information from the so-called tip line
22 or confidential informant line. I'm told that's some
23 fifty to sixty thousand emails. And we should be able
24 to get those and produce them quite quickly.

25 As to the topics in one, Sandy Hook is what
26 crashed our system. However, there are emails that
27 are responsive to Newtown, to Adam Lanza, to crisis

26

1 actors. There are about eight -- I guess you won't
2 find it hard to believe. There are about eighty-nine
3 hundred of them or more that relate to Wolfgang
4 Halbig. And so we've got a number of them.

5 THE COURT: Are there any production requests
6 that you can fully comply with at this point?

7 ATTY. PATTIS: By --

8 THE COURT: Except for 18. I think you told me
9 18 you were all set on, the communications with any
10 other plaintiffs.

11 ATTY. PATTIS: To be honest with you, Judge, I
12 didn't get what I got from Barnes until Wednesday
13 afternoon. I was in a court trial until midday
14 yesterday. It settled abruptly. And so I have not
15 had a chance to look at what he sent me. But I know
16 that I'm sitting on at least thirty-seven thousand
17 emails. And I discussed an additional ten or twelve
18 thousand more. So I believe that by Monday I can make
19 a showing of thirty to forty thousand emails.

20 The issue that came up in a conference call this
21 morning is whether there are attorney-client
22 privileges. And because of the exigency in Texas
23 where there's a mandatory timeline, there was a
24 literal discussion about whether to waive the
25 attorney-client privilege so as to comply. And no one
26 is comfortable with that. So a series of lawyers are
27 being brought into the Texas firm to at least scan the

1 documents to make sure they're not turning over
2 privileged material. So I think I'm close, but the

3 downside is, if Mr. Zimmerman --

4 THE COURT: Attorney Pattis, isn't that usually
5 how it's done in these kind of cases, that there are a
6 team of young associates or young lawyers or whoever
7 on the document production --

8 ATTY. PATTIS: And there has been. I've spoken
9 to a young man who spent six days at Mr. Jones'
10 facility --

11 THE COURT: Early on, though, before your
12 involvement.

13 ATTY. PATTIS: Correct. And so my -- I have two
14 people who are working full time on this matter right
15 now. And I can't work on what I'm not given. So my
16 contention is and my firm belief is, while I'm not
17 happy to be responsible for a file where there is no
18 compliance, but I'm hard-pressed to know what more I
19 could have done. Perhaps I should not have appeared
20 or I should have waited to file an appearance together
21 with the pro hac vice counsel. I didn't. I relied on
22 him. I know who he is. I've seen him around. I've
23 heard about him. He represented and I was told that
24 he had the client's confidence. What more should I
25 have done? I tried to extend a professional courtesy
26 to someone who was apparently less than candid with
27 the client and sandbagged me.

1 THE COURT: So besides the search of the emails,
2 what other document search is ongoing?

3 ATTY. PATTIS: I called a person who is involved
4 in -- so I'm led to believe that the Jones defendant
5 and related entities employed as many as 75 people,
6 maybe 77. I've heard two estimates. So I have asked
7 for organizational charts that would help me
8 understand the difference between one entity and the
9 other and the relationship. And I'm told they are
10 largely -- it's largely informally managed.

11 One of the issues that remains in dispute, and I
12 don't know if it's too late to object, they don't want
13 to give a list of all their employees like janitors,
14 this and that and everything else because Mr. Jones is
15 concerned about retaliation against people close to
16 him for political --

17 THE COURT: Well, the objections were already
18 dealt with, and there is a process in place for
19 confidentiality issues. So I suppose with something
20 like janitors' names, I got to think that you and
21 Attorney Sterling could probably reach an agreement as
22 to how not to publicize those names.

23 ATTY. PATTIS: So I have spoken to a human
24 resources person to begin to get that data together.

25 I have met with individuals as recently as this
26 morning close to the Jones organization to try to get
27 to the bottom of all this. I've been invited down to

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1 do what I need to do, if I'm given time and need to go
2 down. I don't know what more I could have done. I
3 genuinely believed that Mr. Barnes had Mr. Jones'
4 confidence. It was represented to me by Barnes and
5 others that he was brought in to manage the litigation
6 in the various courts. And I did what a pro hac vice
7 counsel, or what a person sponsoring counsel does. I
8 stood by and took a subordinate role.

9 Last week when it was clear that was working to
10 the client's detriment, I'll be candid, I consulted my
11 lawyer, who's Willie Dow. And I described the
12 situation to try to find out what my ethical
13 obligations were. And he basically said that I was in
14 a very precarious situation. So I took the steps that
15 I needed to take to protect myself. And the result is
16 that Mr. Barnes is no longer in the picture, and I am
17 it. And I'm told I have full responsibility.

18 THE COURT: You had mentioned sanctioning you,
19 which I've never done a sanction in sixteen years and

20 I'm sure not going to start now. But this discovery
21 obligation is not your obligation. It's the
22 defendant's obligation. That is -- it's not what you
23 know, it's not what you don't know. It is the party's
24 obligation to fully and fairly comply with requests
25 for disclosure and production. So any sanctions would
26 be to the party here and not to you.

27 ATTY. PATTIS: Well, except I did err. I could

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1 have done rolling discovery and I regret it now.
2 That's been the approach in Texas. Of course, it
3 hasn't stopped things from --

4 THE COURT: Has that motion to dismiss been
5 adjudicated yet?

6 ATTY. PATTIS: No. My understanding is that a
7 decision -- and Attorney Sterling can correct me if
8 I'm wrong -- a decision has to be tendered by June
9 2nd, I believe.

10 THE COURT: Has it been argued?

11 ATTY. PATTIS: No. It will be argued in May.

12 ATTY. STERLING: No, your Honor.

13 THE COURT: So they're still doing their
14 discovery.

15 ATTY. STERLING: They're doing rolling
16 production. There's a holdup with discovery there, as
17 I understand it. There was a ruling on the reporter's
18 privilege in which the privilege claim was largely
19 rejected. And the plaintiffs in that case chose to go
20 forward with Mr. Jones' deposition and the deposition
21 of the corporate designees without documents, which
22 has now become a basis for a motion for sanctions in
23 that case, with them claiming they're prejudiced by
24 having to go forward, which they had to do because the
25 Texas timeline was so tight.

26 THE COURT: So, Attorney Sterling, I've given
27 Attorney Pattis the entire floor the whole time and,

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1 of course, I will give you equal time, but I have to
2 just tell you what I'm considering at this point so
3 you can respond to it and Attorney Pattis can respond
4 to it, as well. I would like to -- I don't want to
5 wait until April 2nd. I would like to address the
6 issue of whether your motion should be granted with
7 regard to precluding the motion to dismiss, whether
8 Attorney Pattis' motion for reconsideration on the
9 extension of time, whether the Court should reconsider

10 that. But I would like to see if the landscape is
11 going to change. If we were to come back Monday or
12 Tuesday and you were to tell me, well, I got the
13 twelve thousand five hundred documents today and the
14 other thirty thousand documents that were expected
15 over the weekend, so on Monday I had forty-two
16 thousand five hundred documents and I got the
17 interrogatory answers under oath and I got production
18 18 and whatever other production requests can be
19 satisfied, that, to me, would change the landscape a
20 little bit, perhaps. So I think I would rather give
21 the defendants an opportunity to do that and then
22 address your motion and address Attorney Patis'
23 motion. It doesn't make a difference if it's heard
24 today or heard next week.

25 ATTY. STERLING: Of course, your Honor, if that's
26 the Court's preference, that's what we'll do. I mean,
27 I do have some responses to what's been said here

1 today. I think that there's been a lot of indications
2 that Attorney Barnes was a bad actor. I think if the
3 Court looks back down the timeline, though, December
4 10th is the date that the Court determined that

5 discovery would be permitted. January 10th is the
6 date that the Court determined the content of the
7 interrogatories and request for production. After
8 January 10th, we were in court on January 23rd,
9 January 31st, February 14th, and February 21st, and on
10 none of those days did defendant's counsel, who was
11 then Attorney Wolman, say anything about difficulties
12 in meeting a February 25th production date.

13 THE COURT: Actually, the deadline was the 23rd,
14 right?

15 ATTY. STERLING: I may be mis --

16 THE COURT: I think you rounded it off. But
17 that's not a court filing. That's just discovery
18 responses. So as far as I'm concerned it was the
19 23rd.

20 ATTY. STERLING: Yes.

21 THE COURT: Attorney Pattis, I know you're not
22 responsible for that because that was before you were
23 in the case, but you can see how it's troublesome to
24 the Court because nobody in this room wants to be
25 manipulated. But when we have a February 23rd
26 deadline and the Jones defendant's counsel is in the
27 courtroom two days before we address, I believe, the

1 confidentiality order protective order and whatever
2 other issues were brought to me and I always ask, is
3 there anything else? There was never a mention from
4 the Jones defense counsel that, in fact, there wasn't
5 going to be compliance. So that's the problem. That
6 would have been the time. So can you respond to that?
7 I know that you're answering for somebody else, but
8 that's still what the case -- what's been going on,
9 that's the history.

10 ATTY. PATTIS: So here's all I know based on the
11 interviews that I conducted this week: Apparently Mr.
12 Zimmerman was not made aware of this data request
13 until sometime well after it was initially tendered.
14 This would have been sometime in January. Zimmerman
15 has told others that he gave Jones what he had late in
16 February so that when Wolman appeared here on February
17 25th, I believe he knew that Jones was coming into the
18 (indiscernible), that Barnes was coming into the case,
19 but they were having this dispute about what to do
20 about privacy. And Wolman would not sign on to the
21 Griswold claim. And I can't say I blame him.

22 THE COURT: All right.

23 ATTY. PATTIS: But I understand what Attorney
24 Sterling says. The thing that floored me this week, I
25 requested an affidavit from Zimmerman, and I was told
26 for the first time this week that strict compliance

27 with everything requested couldn't be done until April

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1 15th. And I had previously requested until April 3rd
2 myself thinking all this was done. Now, it may be
3 that Attorney Sterling and I can work on what she
4 really means by family members and related people
5 because if you do the family members and related
6 people, they've actually searched the web to find out
7 who these are, that's like four hundred people. And
8 if it's going to take twelve hours per search, where
9 are we going to be and when are we going to get there?
10 I can only tell you what I know.

11 THE COURT: All right. Sorry I interrupted you,
12 Attorney Sterling. I'm sorry.

13 ATTY. STERLING: Just a few more things. All
14 with the mindset that we're trying to do expedited
15 discovery, and we have pushed hard on our side to be
16 available for expedited discovery. The Court knows
17 how many times we've been back. So this is just
18 turning into not expedited discovery, which means that
19 the discovery stay remains in place indefinitely.

20 The other -- and I'm really trying -- I have no
21 interest in casting stones at Attorney Pattis. I know

22 the Court doesn't either. So I would like my comments
23 to be understood in that regard. It was on March 7th
24 that the Court warned both orally and in writing that
25 failure to produce on the 20th would potentially
26 result in denial of the anti-SLAPP.

27 On March 13th, we were back in court and Attorney

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1 Pattis had indicated that he had advised people who
2 need to know of the Court's observations. But not
3 only that, it was a Court order. So it was out there
4 for all to see. So that is just in and of itself
5 extremely problematic and the fact that things were
6 not provided to Attorney Pattis until March 18th.

7 The other thing that came up in the course of
8 this hearing, and, obviously, I haven't seen any of
9 the documents that have been referenced by Attorney
10 Pattis, is that Mr. Jones apparently signed his
11 affidavit on March 6th. The representation from
12 Attorney Wolman was that compliance could be provided
13 on February 25th, including those interrogatories.

14 So I'm not in a position to reconcile all these
15 difficulties. What I can do is point to them and say
16 to the Court, I understand Attorney Pattis is casting

17 this in the absolute rosiest light, but the record
18 doesn't look rosy. So I will say one thing about the
19 sanction, and then I understand the Court's preference
20 to proceed on Tuesday, which is that the sanction that
21 we're asking for, which is denial of the anti-SLAPP on
22 a summary basis isn't a sanction on the merits. It
23 just allows the case to proceed to the merits. It
24 allows us to do full discovery. From everything
25 that's been represented, trying to do this discovery
26 on an expedited basis isn't working very well. This
27 is apparently a production of substantial numbers of

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1 documents, if they materialize. But our case law is
2 concerned with making sure that a determination on the
3 merits is what happens, and that denying the
4 anti-SLAPP would actually help us get to that point
5 because at this point we're just stalled.

6 THE COURT: I'm not going to address that now,
7 but I've said many times now that that special motion
8 to dismiss is in jeopardy, but I wouldn't be denying
9 it. I would be precluding it. I wouldn't address the
10 merits of it.

11 But I do want to interrupt you because I would

12 like to address this to Attorney Patts, as well. One
13 of Attorney Patts' comments, which I accept, that he
14 had originally asked for in his extension of time, I
15 think, for April 1st now, but when you checked with
16 the person who was doing the forensic examination, or
17 whatever you call it, that that wouldn't even be
18 possible. It would be April 15th. So, basically,
19 what the representation is is that it -- it sounds
20 like a solid month to do that forensic audit, or
21 whatever you call it, of the emails. So I guess what
22 I'm saying in a way that that's probably more
23 difficult and more of a burden than was anticipated
24 that was ever mentioned by anyone at any point,
25 Attorney Wolman, and so forth. So it might have been
26 impossible -- if it had been done properly, it might
27 have been impossible for the Jones defendant to have

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1 met that first deadline, given the number of emails
2 and such.

3 ATTY. STERLING: Possible, although, your Honor,
4 then the question arises, but if they were actually
5 attempting to do this, why didn't we hear about it
6 sooner? It's the first thing I would say if I was

7 under a deadline like that. And also with the focus
8 in this case on how hard we worked to set expedited
9 deadlines.

10 So I don't really have a response to that at this
11 point, your Honor. It's very difficult from where I
12 sit because I don't have anything to review. I don't
13 have a basis to know what's being produced. I
14 don't -- the representations about what's being
15 searched have shifted over the course of the discovery
16 process. I just -- is there another way to ask that
17 question of me, your Honor? I'm not giving a good
18 answer, but I'm not quite sure what the Court's
19 concern is.

20 THE COURT: Attorney Pattis, can I ask you, what
21 is the like -- you also mentioned the cost involved of
22 doing it. To be honest, would you like me to be
23 straightforward here?

24 ATTY. PATTIS: Yes.

25 THE COURT: The Jones defendants at this point
26 are coming from a position of weakness. They've blown
27 past the Court's deadlines. There hasn't been a

1 single piece of paper or interrogatory answered. And

2 now they're saying it's too costly. Wouldn't the
3 better approach -- or that who's going to pay the
4 ninety thousand dollars, or whatever it was that you
5 said. Wouldn't a better approach be to turn over
6 immediately the twelve thousand plus documents --

7 ATTY. PATTIS: Yes, I intend to.

8 THE COURT: The thirty thousand documents over
9 the weekend, pay the costs of having your forensic
10 examination of the emails instead of suggesting at
11 this point that the plaintiff should bear that cost,
12 answer the interrogatories that you identified the
13 production requests that you can -- and then change
14 the landscape in a way so there's some good faith.
15 This would be the first step.

16 ATTY. PATTIS: That is entirely on me. And I
17 wanted to comply fully because, candidly, I'm busy and
18 I don't want to be involved on a piecemeal basis.
19 That's my personal preference, but I'm not going to
20 get my way here. So I think you're right.

21 As to the --

22 THE COURT: I'm going to interrupt you again.
23 You are getting your way because nothing were to stop
24 me from ruling on that motion and precluding the
25 special motion to dismiss and just moving on with the
26 case. So as far as I'm concerned, you did yeoman's
27 work in --

1 ATTY. PATTIS: Can I order that piece of the
2 transcript?

3 Can I just respond to one thing? I think it's
4 important to notice here that it was the plaintiffs
5 who have filed this action, and they sat on their
6 claims for years until it was convenient for them to
7 strike. And then we had thirty days (indiscernible).
8 We had to file our motion in response. There's no
9 case law about the scope of discovery here. But I
10 don't think the Court really expected that there would
11 be nine point three million emails to search and that
12 searching each data firm one at a time was going to
13 take upwards of six to twelve hours. So the Jones
14 defendants contend, not that I've seen it with my own
15 eyes, I'm making representations to you, that they've
16 been at this for weeks. It's my recommendation that
17 they go to the data firm. But here's the problem with
18 the data firm: The data firm can only segregate and
19 locate items. It can't do a privilege analysis. So
20 there were several people in my office today. We were
21 on the phone with people down in "Jonesville", as it
22 were, trying to identify by rule of thumb items in
23 which there could be no conceivable claims of

24 privilege. And those should be things that came in
25 through a so-called tip line or attorney-client
26 privilege because at that point that's all I'm focused
27 on. So I think there are ways to provide it, and I'd

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1 be happy to do so if given permission.

2 THE COURT: I think it's unfortunate that -- and,
3 again, I'm not laying blame on your feet because you
4 weren't even involved, but I went along with the
5 deadline. The deadline that I ordered was the
6 deadline that Attorney Wolman had requested. So I
7 gave him what he wanted. It sounds like you pretty
8 handily, without much of a struggle, was able to
9 determine that this was going to be an expensive
10 search, and it was going to involve a lot of
11 documents. If Mr. Jones' first attorney had done what
12 you're doing, I would have been back probably with
13 everyone maybe on January 30th, at which point I would
14 have been told this is going to be -- it's going to
15 take longer, it's nine million, or however many
16 emails, but instead what happened -- and I don't want
17 to beat a dead horse -- is that the deadlines were
18 missed and they were like moving targets. This is --

19 It's just --
20 ATTY. PATTIS: That may explain why there's been
21 a change in counsel.
22 THE COURT: True.
23 ATTY. STERLING: Your Honor, just a few things.
24 Two changes in counsel -- three. But one is, I would
25 ask that with regard to the affidavits that Attorney
26 Pattis mentioned today, could we have those submitted?
27 ATTY. PATTIS: Yes.

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1 ATTY. STERLING: And with regard to the
2 plaintiffs and the time we chose to file our
3 complaint, I really think this is not the time to try
4 to turn this on us.
5 ATTY. PATTIS: Well, it bears noting that --
6 THE COURT: No colloquy. Thank you.
7 All right. What else? Anything today? So
8 here's what I don't want to do: I want to put these
9 issues to rest one way or the other. And I had
10 intended to do it today. I'm happy -- and since I'm
11 the one that actually wanted that, we can do it next
12 week. But I understand you're not available, Attorney
13 Pattis, on the 26th?

14 ATTY. PATTIS: Well, here's the story: Mr. Smith
15 and I are trying a case. The jury has been picked.
16 We do not want to be perceived as dogging this file.
17 Attorney Smith indicates tha he'll be here on Tuesday.
18 I would prefer that he not, since --
19 THE COURT: Are you on trial on Monday?
20 ATTY. PATTIS: Yes, all week.
21 THE COURT: Monday, too. Every day?
22 ATTY. PATTIS: Yes.
23 THE COURT: Can I ask what town?
24 ATTY. PATTIS: Yes, Middletown. The case is
25 State vs. Cuson (phonetic spelling). We expect the
26 case, however, to end that week. So the following
27 week is easy for us because it only takes one person

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1 to monitor a jury. I would prefer to have Mr. Smith
2 with me, but he'll be here Tuesday if you need him.
3 THE COURT: Well, I think I originally intended
4 to just deal with Mr. Halbig's issues, but it would be
5 helpful if we could maybe even do it at nine o'clock
6 first thing and then you can get right on the road and
7 get to Middletown. Quite frankly, I don't know if you
8 want to do it here or in Bridgeport, whatever will be

9 quicker for you. But I just want to be able to
10 address at that point to see if there's some consensus
11 if the landscape has changed at all. For example,
12 forty-three thousand documents were given and
13 interrogatory answers under oath. I don't want to get
14 into a situation -- I don't want to get into ex parte
15 problems.

16 ATTY. PATTIS: Would you consider calling Judge
17 Suarez in Middletown and ask for an eleven o'clock
18 start date on Tuesday? I'd like to be here myself.
19 I'm the one who's made factual representations to you.
20 And Mr. Smith will do a great job, but I've taken
21 responsibility for this.

22 THE COURT: Let me just see what time -- so it's
23 nine o'clock on Tuesday.

24 Ron, is that here or in Bridgeport.

25 THE CLERK: It's scheduled in Bridgeport.

26 THE COURT: All right. I will do that, but it's
27 in Bridgeport and here's the problem: I can't really

1 change the Tuesday date because I'm concerned about
2 notice to Mr. Halbig. And I don't want him going to
3 the wrong court and the notice said Bridgeport. So,

4 you know, I'm an early bird. I can -- well, I can't.

5 I can't get anybody on the record. This has to be on

6 the record, and I can't get a monitor before nine,

7 but --

8 ATTY. PATTIS: We're happy to go to what we refer

9 to as the devil's backyard or the home court for

10 Koskoff Koskoff & Bieder.

11 Judge, I have a copy of the affidavits. I think

12 there was a request that they be filed.

13 THE COURT: Can you just give me one moment, if

14 you don't mind?

15 ATTY. PATTIS: I'm also handing to counsel the

16 March 6th interrogatory responses, expecting to hear

17 back from them.

18 THE COURT: Your start time with Judge Suarez

19 would otherwise have been ten, right?

20 ATTY. PATTIS: That's my understanding, yes.

21 THE COURT: So I'm sending this to him right now.

22 So just give me a moment.

23 ATTY. STERLING: Your Honor, counsel has handed

24 me interrogatory responses that have handwritten on

25 them "confidential" and "subject to protective order".

26 Is that -- are you claiming them subject to protective

27 order?

1 ATTY. PATTIS: No. I'm simply giving -- I'm not
2 making claims as to this document. I'm complying with
3 rolling discovery. There may be issues as to a
4 protective order I'm not up to speed on. What's more,
5 Judge, these are facially defective for two reasons.
6 Mr. Jones signed them, but there's no attestation that
7 he signed them. I'll be happy to correct that, as
8 well. There's a wrong certification date on it.
9 These were prepared for my signature without my
10 reviewing them. But I want to give the other side the
11 information I have and I'll cure these. But I'm
12 simply giving them what I have to try to tilt the
13 playing field.

14 ATTY. STERLING: But I'm asking just a very
15 specific question, which is, are you claiming they are
16 subject to the protective order because they say
17 confidential and subject to protective order. That
18 affects whether I can file them in court under seal or
19 not.

20 THE COURT: My client wishes that they be so, so
21 I'm making that claim, yes, on his behalf.

22 ATTY. STERLING: Okay.

23 ATTY. PATTIS: But with reservations. I'd prefer
24 to wait until I had a chance to get to the bottom of
25 it myself, but I don't want to (indiscernible).

26 ATTY. STERLING: So the claim --
27 THE COURT: These are just the interrogatories

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1 you're talking about.

2 ATTY. STERLING: Yes, your Honor.

3 THE COURT: I think what I was anticipating when
4 I saw you on Tuesday was hopefully new answers under
5 oath with proper -- answers that fully and fairly
6 comply with the interrogatories.

7 ATTY. PATTIS: I'll take care of that.

8 ATTY. STERLING: So I'm handing them back to
9 counsel. I don't have them now.

10 THE COURT: All right.

11 ATTY. PATTIS: I have retrieved them. Thank you
12 for the courtesy, Attorney Sterling.

13 THE COURT: All right. So I'm sure Judge Suarez
14 will get back to me, unless he's out today. As soon
15 as he does, I will tell Mr. Ferraro and he will let
16 you know, but hopefully we can go that way. I think
17 if it works out, we can start right at nine. We'll
18 make it our business to be done in a half an hour.
19 Mr. Ferraro tells me that Mr. Halbig has indicated to
20 him that he doesn't plan on attending. So I'm still

21 going to go forward with the disqualification conflict
22 issue. So it probably will not take long with respect
23 to Mr. Halbig's motions. So it will probably just be
24 addressing this, but I don't want to get into Mr.
25 Halbig's case at all because I don't want to be
26 getting into any of the substance, just the
27 scheduling.

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1 ATTY. STERLING: Yes. With regard to scheduling,
2 your Honor, since we understand that Mr. Halbig
3 intends not to be present, or at least that's the
4 representation now, would the Court want argument on
5 the plaintiff's side -- I assume not -- with regard to
6 the motion to dismiss and motion for change of venue?

7 THE COURT: I'm not going to address any of his
8 motions if he's not there. I placed it down for the
9 hearing on the conflict disqualification, and that I
10 need to do for the record. So that's what I plan on
11 doing on that date.

12 Okay. Anything else today? So I will see you
13 hopefully Tuesday at nine and have a wonderful
14 weekend. And we are adjourned.

15 (Court was adjourned.)

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NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

* * * * *

NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

ALEX EMRIC JONES : MARCH 22, 2019

* * * * *

CERTIFICATION

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in the Superior Court, Judicial District of Waterbury, at Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of March, 2019.

Dated this 27th day of March, 2019, in Waterbury, Connecticut.

Patricia Sabol

Court Monitor

Exhibit D

X06-UWY CV18 6046436 : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
v. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 26, 2019

H E A R I N G

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

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ATTORNEY MATTHEW BLUMENTHAL
Koskoff, Koskoff & Bieder
350 Fairfield Avenue
Bridgeport, CT 06604

Representing the Defendant, Cory Sklanka:

ATTORNEY KRISTAN JAKIELA
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Hartford, CT 06103

Representing the Defendants, Alex Jones, Infowars,
Infowars Health, Prison Planet TV and Free Speech Systems:

ATTORNEY NORMAN PATTIS
ATTORNEY KEVIN SMITH
Pattis and Smith, LLC
383 Orange Street, 1st Floor
New Haven, CT 06511

Representing the Defendants, Midas Resource, Inc.:

ATTORNEY STEPHEN BROWN
Wilson, Elser, et al.
1010 Washington Blvd.
Stamford, CT 06901

Recorded and Transcribed By:
P'Shaunda D. Gibbs-Hopkins
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: Everyone's here on the Lafferty
2 matters; all right.

3 I know we have to get Attorney Pattis on the
4 road to his trial so if you could identify yourselves
5 for the record please.

6 ATTY STERLING: Good morning, Your Honor.

7 Alinor Sterling; Koskoff, Koskoff and Bieder
8 for the plaintiffs.

9 ATTY BLUMENTHAL: Good morning, Your Honor.

10 Matt Blumenthal, Koskoff, Koskoff and Bieder
11 for the plaintiffs.

12 ATTY JAKIELA: Good morning, Your Honor.

13 Kristan Jakiela; Regnier, Taylor on behalf
14 of Cory Sklanka.

15 ATTY PATTIS: Good morning, Judge.

16 Norm Pattis for the Jones Infowars defendant.

17 ATTY SMITH: Kevin Smith for the Jones
18 defendants, Your Honor.

19 ATTY BROWN: Good morning, Your Honor.

20 Stephen Brown on behalf of Midas Resource.

21 THE COURT: All right.

22 So I -- this was put down initially for
23 the purpose of giving Mr. Halbig an opportunity
24 to address the Court on a hearing on
25 disqualification.

26 Is Mr. Halbig present; all right.

27 Does anybody wish to be heard; I think

1 I indicated last time that Mr. Halbig had filed a
2 Judicial Review complaint, and I made the disclosure
3 under 122b, I think it is, of the Practice Book
4 and --

5 ATTY PATTIS: The Jones defendants do not join
6 his motion. We -- we are simply not taking any
7 position. But to be clear, we are not joining his
8 motion.

9 THE COURT: Okay.

10 Does anybody want to be heard on the issue?

11 ATTY BLUMENTHAL: Your Honor, the plaintiffs see
12 no basis for Mr. Halbig's motion. I guess unless
13 you have questions for us, we'd leave it at that.

14 THE COURT: All right.

15 Anyone else?

16 ATTY BROWN: No, Your Honor.

17 THE COURT: All right.

18 So I do decline to disqualify myself and I
19 suppose Mr. Halbig, at some point, could file an
20 additional motion in that regard if he wishes to have
21 a further hearing, all right.

22 So how do you want to proceed today?

23 ATTY STERLING: Your Honor, may I inquire before
24 we start.

25 I filed something yesterday, docket number 213.
26 I just wanted to make sure the Court was aware.

27 THE COURT: I've read it but I --

1 ATTY STERLING: Thank you, Your Honor.

2 THE COURT: I don't know if the defense has had
3 an opportunity.

4 ATTY PATTIS: I've not, but I -- I -- Mr. Smith
5 and I are on trial in Middletown and just didn't get
6 to it last night.

7 Ms. Sterling has told me what's in it.
8 I've worked with her for years. I -- I'm prepared
9 to go forward without seeing it, Judge.

10 THE COURT: All right.

11 So however you want to --

12 ATTY PATTIS: So --

13 THE COURT: -- address the Court is fine.

14 ATTY PATTIS: -- what my recollection is when
15 last we were here, the Court reserved effectively
16 on whether to reconsider our motion to -- for an
17 extension of time to comply with discovery. And I
18 recited the transitional difficulties as this case
19 has migrated from several counsel to our office.

20 My impressions Friday is the Court was going
21 to keep an open mind about what to do and based in
22 part on whether the defendants could make some
23 showing that they were making a bonafide and good
24 faith effort to comply with discovery under new
25 counsel. What we had done since Friday consist of
26 the following.

27 We have, as you know there is a related Texas

1 case and the Texas firm has given us complete access
2 to what they have disclosed in -- in that case. So
3 I delivered to counsel for the plaintiffs at their
4 home on Sunday afternoon, a hard drive consisting
5 of all the documents we had received to date from
6 counsel in Texas that were responsive to search terms
7 in our case, together with the -- I sent an email
8 describing what I thought was in that disc.
9 Was operating under the speed of light. I have
10 authorization from my client to rely on Texas'
11 compliance without having to look through it myself
12 with respect to those items.

13 THE COURT: Can you give me a summary of what
14 was on that that disc?

15 ATTY PATTIS: I'd have to look at my email, and
16 may I?

17 THE COURT: Certainly.

18 ATTY PATTIS: Cause -- so with respect to
19 interrogatories, there were, I think 20
20 interrogatories in this case and --

21 THE COURT: Can I -- can we just, if you don't
22 mind, Attorney Pattis. I just want to go one by one.
23 Can -- so take your time but I just want to try
24 to get an idea of what was on that disc of the
25 materials from the Texas case first.

26 ATTY PATTIS: May I have a moment?

27 THE COURT: Take your time.

1 ATTY PATTIS: We -- we -- on the email were
2 items. As -- as the Court recalled, I represented
3 that there were 9.3 or so million emails in the
4 database that was needed to be searched. That search
5 was coordinated by a man named Mr. Zimmerman at the
6 Jones Entity's firm, and provided to the Enoch
7 (phonetic) firm in Texas.

8 The material that we provided to the plaintiffs'
9 on Sunday afternoon consisted of items responsive
10 to search terms -- and I don't have the interrogatory
11 request right in front of me, Judge, so I can't tell
12 you which ones they were. But they related to a
13 series of names involving interrogatory questions 2,
14 4, 7, 8 or excuse me, request for production terms 2,
15 4, 7, 8, 5. And it was a great number of documents.
16 I don't have the number in my hand. I think it ranged
17 in the approximately 20 thousand documents or pages
18 of material. In particular, many pertain to
19 Wolfgang Halbig, you've mentioned moments ago. And we
20 asked for additional guidance on family names for
21 searches. We also provided to them all of the videos
22 that we -- we believe are responsive to their
23 requests that we had in our possession on a thumb
24 drive or had it on a thumb drive, some electronic
25 means that presumably makes them capable of being
26 retrieved. There were 42 of those videos.

27 To -- last night at around 6:30, we received

1 an additional 11 thousand documents -- 11 thousand
2 emails, rather, by way of electronic record that
3 amount to some 80 thousand pages. We sent a link
4 to the plaintiffs' counsel last night. I brought a
5 hard drive that contains all of these material.
6 It took some time to download. We also reported that
7 we didn't think we had documents responsive to
8 certain requests, and I'm told this morning that
9 the other side believes that we do. And, you know,
10 I'm in -- in the midst of looking into that.

11 I've been in touch since Friday with
12 representatives from Mr. Jones' organization, and
13 Mr. Jones himself and I had requested additional
14 material which should be arriving some -- I was told
15 it arrived last night. I didn't get a chance to check
16 my email, including a list of all of the employees
17 from the Jones organization and the various
18 defendants. The interrogatory request or the request
19 actually asked for a -- a list without time
20 limitation. In -- and -- and the -- the
21 interrogatories that were heard by prior counsel
22 simply said that they were gonna rely on privileged
23 on that. We're not going to make that privilege
24 claim.

25 They construed this request to mean simply
26 employees as of the date of the interrogatory.
27 I don't construe it that way and I've discussed with

1 counsel my belief that what they really asked for was
2 all materials relating back to 2012. So I've
3 instructed the -- the entities to give me a list
4 of each employee and their title so that I could
5 discuss with the plaintiffs who they really want.
6 The concern is that putting janitor's names or
7 ministerial people out there is gonna lead to
8 harassment, and I can tell you the number of
9 harassing emails I have received since I arrived
10 in this case bolstered their concern for the security
11 of their employees.

12 So I believe that we have taken steps -- oh, and
13 I've also located -- and this is the troubling thing
14 that Ms. Sterling raises in her papers. I've been
15 told that there are no marketing plans or analytics
16 and whatnot, but I'm told that Doctor Jones, who is
17 not the defendant in this case, but a principle in
18 the entities, has sought a -- an -- tendered an
19 affidavit in support of a protective order earlier,
20 in which he represented that there were some
21 proprietary data that -- that they didn't want
22 to disclose and that seems at variance with the
23 position I'm taking. I simply don't have an answer
24 to that question and will get one. But I have located
25 a letter; a data preservation letter, that was sent
26 to Google on behalf of the defendants by a
27 representative of the Jones organizations, and I'm

1 going to tender that to the other side.

2 So we're close to, in my view, getting on board.
3 We're not there yet. I have had -- I've discussed
4 with Ms. Sterling and Mr. Blumenthal the recorded
5 compliance with the request for interrogatories on
6 March 6th, which I've not tendered, because I believe
7 they're insufficient. And in -- in the course of --
8 and they were prepared by prior counsel. In the
9 course of discussing these with the client's
10 representative last night, it became apparent that
11 he provided more responsive answers. Mr. Jones was
12 never shown those answers and these -- the answers
13 that I was given, that I don't like, were -- were by
14 prior counsel. I'm -- I'm not in communication with
15 that counsel because I don't have trust in his --
16 his judgment.

17 So I -- I think I've taken the steps necessary
18 to demonstrate to the Court that we're taking these
19 discovery obligations seriously. I was in the office
20 all weekend herding cats in an effort to move this
21 along. Mr. Smith and I are currently in trial in
22 another case right now but we're here, we're
23 prepared -- we're involved in discussions with
24 the Jones organization last night and I've been in
25 touch with him daily. So I -- I --

26 THE COURT: Can -- can you refresh my
27 recollection, Attorney Pattis. When we met last week

1 in Waterbury that we had -- there were different
2 categories we had addressed. And I think one of
3 them was signed interrogatory answers, another was
4 production of 30 thousand emails and then I think
5 another maybe 15 thousand emails. Do you -- can
6 you go over these categories?

7 ATTY PATTIS: Yes.

8 I represented to the Court that there would be
9 X thousand emails on Friday and X thousand the
10 following Monday with -- what I went back to report
11 to that, they -- they said, no, they were documents,
12 not emails so I believe we gave 30 thousand documents
13 Friday. I know we're giving 80 thousand documents
14 today. I'm not sure -- I'm told --

15 THE COURT: 80 thousand pages today; right.
16 I thought you said --

17 ATTY PATTIS: Yes, sorry.

18 THE COURT: -- 11 thousand documents.

19 ATTY PATTIS: I keep doing that. 80 thousand
20 pages. Those 80 thousand pages today represent
21 11 thousand emails and they -- they pertain to search
22 terms involving Sandy Hook, Newtown, Halbig, Thetzer
23 (phonetic) and Crisis (phonetic). The -- we --
24 we've -- we have responded with on Friday to search
25 terms involving 15 or so other names and or entities.
26 There remain a series of search terms that still need
27 to be done and so I've asked counsel, when I arrived

1 here today, assuming that we survive this motion,
2 to give me a list of who they need searched for so
3 that we can direct Mr. Zimmerman to do so
4 immediately.

5 The problem with this case from my perspective
6 is that Mr. Zimmerman is their data guy, the Texas
7 case had a drop dead date, an actual drop dead date
8 of yesterday. So their attention was focused on
9 Texas, not Connecticut. But I want to redirect him
10 to Connecticut if I may.

11 THE COURT: I think your drop dead date --

12 ATTY PATTIS: Yes.

13 THE COURT: -- passed already.

14 ATTY PATTIS: Well, I mean, the -- the Court
15 indicated it might consider, you know --

16 THE COURT: Said I would (inaudible), I believe,
17 in other words, but --

18 ATTY PATTIS: Thank you.

19 THE COURT: -- so can -- if you don't mind,
20 can we just briefly go over the interrogatories and
21 production request, because I'm --

22 ATTY PATTIS: Yes.

23 THE COURT: -- still trying to get an
24 understanding as to why some of it -- if we could
25 take the interrogatories first. And -- and I will
26 tell you, Attorney Pattis, you know, everything
27 in this case has been done on the record, and my

1 clear recollection of our discussions on the record
2 with prior counsel was that there was
3 an understanding as to the timeframe for all the
4 interrogatories and production requests, and it was
5 from, I believe, the date of the incident forward.
6 So everyone knew, including prior counsel, since it
7 was all done on the record, that that was the
8 timeframe that was at issue in the interrogatories.
9 Am I correct, counsel?

10 ATTY STERLING: Yes, Your Honor.

11 THE COURT: Okay.

12 ATTY PATTIS: The problem with that, Judge, is as
13 I explained earlier, Mr. Wolman, excuse me I should
14 be standing. Mr. Wolman through the Randazza firm was
15 the one present in court and then purported corporate
16 counsel, if that's what you want to call him,
17 intervened and gave Wolman instructions without ever
18 appearing in court. And it's he who prepared these
19 interrogatory answers asserting, in my view,
20 unsustainable privilege claims.

21 So, I mean, I hear what you're saying, and I get
22 it.

23 THE COURT: All right.

24 So if we could look, there's only five
25 interrogatories. Have --

26 ATTY PATTIS: So --

27 THE COURT: So none of them, you -- you have --

1 right now you don't have any interrogatory answers
2 under oath that comply?

3 ATTY PATTIS: I have interrogatory answers that
4 I can tender, that Mr. Jones has signed.

5 THE COURT: That fully and fairly respond to
6 the interrogatory?

7 ATTY PATTIS: That in my opinion, do not fully
8 and fairly respond to the interrogatories because,
9 for example --

10 THE COURT: Well, I -- can I just interrupt
11 you because I do believe that you said at our last
12 hearing, and I didn't -- I don't have a transcript of
13 it. You were able, at least to answer number five,
14 you just haven't answered it under oath, that was
15 the easy one; the witnesses.

16 ATTY PATTIS: Correct.

17 THE COURT: Okay.

18 So really it's one through four. I'm sort
19 of having a hard time understanding why, you know,
20 for example, number one couldn't be answered under
21 oath all these times that we've moved forward on
22 this.

23 ATTY PATTIS: It can be. I sought a continuance
24 when I got involved in the case, which was granted on
25 March 6th, on or about March 6th. And then I sought
26 another one for the 20th, which was denied. I came
27 to court last week. I've instructed my clients that I

1 need updated answers and they're in the process
2 of compiling them, yes.

3 THE COURT: But the answer to number one, that's
4 a pretty -- that -- that could've been answered under
5 oath. You were given the extension from March 6th.
6 You were given an additional two weeks. If -- if
7 it were -- that's not a trick question. That's a
8 pretty straightforward question --

9 ATTY PATTIS: As I told the Court, I did not take
10 the position that I was going to engage in rolling
11 discovery because that's just too onerous a
12 requirement given a very small office. If the court
13 wants rolling discovery, I'll do it.

14 THE COURT: Well, I know we addressed this last
15 time, all right.

16 So what about the production request; are any
17 of the production requests fully complied with in
18 your mind, putting aside the ones that were objected
19 to?

20 ATTY PATTIS: With respect to number one; may
21 I look over someone's shoulder, oh here.

22 With respect to one, I believe all the
23 communications, etcetera, are -- is fully complied
24 with but for 1I and 1H. That is a little unclear
25 because it's an open ended term on Sandy Hook victims
26 or specific Sandy Hook victims, Sandy Hook family and
27 or specific Sandy Hook family members. A genealogical

1 kind of research suggested there might be as many as
2 500 Sandy Hook family members, doing individual
3 search terms for each is difficult.

4 So I think we've done a Sandy Hook search and
5 that is included in what we provided today. I've got
6 to believe that that likely captured that -- those
7 categories, but I can't tell without knowing who
8 the people are.

9 THE COURT: Any other production requests that
10 you can --

11 ATTY PATTIS: I believe that we have complied --
12 I'm not sure about -- without -- about number 2A at
13 this point. And candidly, Judge, I did not bring my
14 master sheet with me here today. But I know that with
15 respect -- we -- we have not complied with three --
16 with three and I -- and I need -- I -- because those
17 were apparently not names that were pertinent to
18 Texas and haven't been searched for yet. And there --
19 we can get that search done.

20 We've got -- we've 4a; Halbig, we've done. There
21 were no documents, I'm told as to Anderson. Pieczenik
22 (phonetic) is a duplicate of 3A. Reich (phonetic) is
23 a duplicate of 3D. I don't think we've done Tony
24 Meade (phonetic), I'm not sure about her --

25 THE COURT: It might be easier just at least for
26 me. I don't know if it's going to be easier for you
27 to just sort of identify which ones you have fully

1 complied with.

2 ATTY PATTIS: Well, the problem with that, Judge,
3 is that there are overlapping terms, okay. And so --
4 you follow what I'm saying; so Wolfgang Halbig; when
5 we search for Wolfgang Halbig in number 1L, that's
6 gonna duplicate presumably the search in 2F and in 4A
7 because that's also Wolfgang Halbig. And in --
8 his name recurs throughout. So -- and Sandy Hook, for
9 example, we've done that with respect to one, and it
10 appears in 8A. We've done the search for Adam Lanza.
11 We've got the Sandy Hood victims and family again in
12 8L and J. So there's a lot that is duplicative.
13 We've completely complied with number 11 -- not 11.
14 We've completely complied with the video requirement.
15 I don't remember which interrogatory that was.
16 But we've given all the -- all the videos that are in
17 the possession of the defendants or their agents.
18 As to 11, Judge, I've instructed my client that
19 the Court has ordered compliance with these documents
20 and that we need -- with these requests and that
21 we need the transcripts, videos or audio recordings
22 of -- of Jones and his custody case and -- and
23 or divorce trial. I'm told those are coming. I don't
24 have them right now.

25 THE COURT: Can I just -- if we just stop on that
26 one, Attorney Pattis. And I know you don't have them
27 and I don't think anyone's ever suggested that you're

1 sitting on anything. So -- but that would seem to me
2 something that he would've been able to get from
3 his own attorney long before you were even in the
4 case. So --

5 ATTY PATTIS: He was advised and I have
6 authorizations that he was advised by prior counsel
7 he didn't have to turn them over. I think prior
8 counsel was wrong, that's why prior counsel is prior
9 counsel. And I don't -- I, you know, I -- I don't
10 want to repeat that mantra in here cause it's my case
11 now and I'll take responsibility for it. I think the
12 advice was wrong. So I've instructed them that I need
13 to have it.

14 ATTY STERLING: Your Honor, may I just inquire
15 on that one?

16 Is -- I take it prior counsel was -- is -- is
17 Attorney Barnes?

18 ATTY PATTIS: Yes, I'm sorry.

19 ATTY STERLING: I can't imagine Attorney Wolman
20 giving that instruction to him, but --

21 ATTY PATTIS: He did, that is correct.

22 ATTY STERLING: Okay.

23 ATTY PATTIS: Apparently, you know, the way this
24 case unfolded is Barnes was -- Wolman was Randazza's
25 Connecticut office, as it were. And from my view,
26 Wolman was an active participant in these proceedings
27 and he was prepared to make certain disclosures.

1 The Court chose not to let Randazza in because it --
2 the Court used its' discretion to keep Mr. Randazza
3 from appearing. Mr. Barnes, we've been led to
4 believe, took affirmative steps to leak information
5 to the Huffington Post to damage Mr. Randazza's
6 reputation in an effort to get close to this case and
7 he got Mr. Jones' ears and took over the case and
8 told -- he shut -- he shut Wolman down. When Wolman
9 wouldn't file -- look, Judge, I'm -- I don't make
10 this stuff up, so what -- what's in it for me.

11 I don't want to be in here singing to my
12 client's supper on these terms. But what had happened
13 is that when Barnes appeared and told Wolman that he
14 was the new sheriff, and -- and when Wolman refused
15 to tender interrogatory answers that claimed
16 privilege on the basis of Griswald (phonetic) and
17 privacy, which was Barnes' theory, I think that led
18 to the disintegration of that and -- and I was asked
19 to appear without knowing that that --

20 THE COURT: Why should your client be rewarded
21 for choosing to follow the advice of counsel who
22 are not authorized to practice in this state and who
23 are not appearing in this --

24 ATTY PATTIS: He's not asking --

25 THE COURT: -- case?

26 ATTY PATTIS: -- to be rewarded.

27 I mean, people are entitled to the counsel

1 of choice and people have general counsel all the
2 time. Barnes held himself out to the world, including
3 to me, as being a person who was close to Jones, and
4 was directing and would manage the litigation.
5 I think that happens all the time with corporate
6 counsel, and then they retain local counsel and
7 presumably listen to them. What's happened in
8 this case is I was retained and in the course
9 of developing a relationship with Barnes, pushed back
10 such that he's no longer corporate counsel and
11 no longer has any role in directing this litigation
12 because my view and my representation to the client
13 was, based on what I saw in this case, if they
14 continued to follow Barnes' advice, they'd suffer
15 adverse consequences. That drama unfolded, like,
16 the week before last. And so I -- as I related to you
17 last week, on the 15th I sent a letter basically to
18 everyone saying, they're really gonna need to get
19 right with the Court through me or get rid of me,
20 because I was in an unsustainable position where I
21 was being given direction by counsel to do things
22 that I thought were unsupportable and the client
23 needed to know that. The client has taken those
24 steps.

25 Now, advice of counsel even in a criminal case
26 is a defense. If you've got a rotten lawyer,
27 you're not punished for having a rotten lawyer if

1 you've relied on him. I think Barnes gave bad advice.
2 I'm trying to give better advice.

3 THE COURT: So if I -- I'm just focusing on
4 the -- one of the easiest things to comply with here
5 in my mind which would be the transcripts that were
6 narrowed down relating to the divorce or custody
7 proceeding.

8 So you've been in the case for three weeks,
9 you're running the show now and I'm just trying to
10 figure out something easy like that, all your client
11 would have to do would be to talk to, I assume he had
12 a lawyer representing him in the divorce or custody
13 proceedings and --

14 ATTY PATTIS: I had asked that that occur and
15 I don't have it yet.

16 THE COURT: Yes.

17 No, I know you don't have it, but that's not a
18 three week --

19 ATTY PATTIS: Again, as I told you before, I did
20 not want to deeply involve in rolling discovery. When
21 I filed my request for a continuance on the 20th,
22 I -- I was led to believe that we were -- I -- I -- I
23 concluded that we were gonna argue that on the 22nd.
24 And so basically what I learned on the 21st,
25 I believe, is that the Court denied our motion for
26 extension of time. And I've been in touch with them
27 saying, look, we're singing for our supper here and

1 we're either gonna get this stuff or die trying.

2 So, I mean, I understand the Court's position,
3 but we're not asking to be rewarded. As I said last
4 time, you know, we filed the special motion
5 to dismiss within the 30 days required by the statute
6 that's mandatory. The other side was able to persuade
7 the Court to have extensive discovery requests and
8 there has been a struggle among lawyers in this case
9 about who was gonna control things. I won the
10 struggle and I'm asking for a little bit of
11 additional time. If I can't get it done, then it's my
12 responsibility. But I don't think that -- that --
13 that it's Jones' fault in this instance and -- and
14 I resist that temptation. He's -- it's an -- it's an
15 interesting organization with a lot of people and
16 Mr. Jones is a head strong guy who's got his own
17 views of the world and how it operates.
18 My responsibility is to teach him the law in
19 Connecticut and the consequences for non-compliance
20 with the law. Barnes didn't do it, Judge.

21 THE COURT: Who's going to --

22 ATTY PATTIS: So I -- I beg your pardon?

23 THE COURT: I was going to hear from
24 the plaintiff's counsel, if I could.

25 ATTY STERLING: Yes, Your Honor.

26 So Attorney Pattis from the moment that
27 he appeared indicated that his advice to his client

1 was to comply, and it's now been three months.
2 We have some compliance. It is superficial, it is
3 voluminous, that's true. I have not had an
4 opportunity to review what was produced last night.
5 My understanding concerning what was produced on
6 Sunday afternoon is that it is essentially the same
7 material that was produced in Texas on February 25th.
8 So we're getting a month later what had been produced
9 there then.

10 In terms of the content of what was produced on
11 Sunday afternoon, which was represented to be at
12 least partially responsive to interrogatory number
13 one, there are no texts.

14 ATTY PATTIS: I beg your pardon?

15 ATTY STERLING: There are very, very few internal
16 emails, meaning emails from someone in Infowars to
17 someone else in Infowars. And we find no texts or
18 emails from Alex Jones at all. So just reviewing
19 that, that discovery, it -- it raises questions in --

20 THE COURT: So, can I just --

21 ATTY STERLING: -- my mind --

22 THE COURT: -- interrupt you?

23 ATTY STERLING: Yes.

24 THE COURT: And I -- I don't want to -- I'm just
25 watching the clock for --

26 ATTY STERLING: Sure.

27 THE COURT: -- Attorney Pattis, because he's got

1 to be elsewhere.

2 Attorney Pattis, I -- I thought you said
3 that you didn't review the -- and I could be wrong,
4 the disc, or the thumb drive or whatever it is.
5 But can you -- do you know, can you say whether
6 or not the production to date involves any text or
7 emails from Mr. Jones; because Attorney Sterling just
8 told us that she didn't think there were any texts or
9 emails from Mr. Jones, and that seems unusual.

10 ATTY PATTIS: That -- it seems unusual to me.
11 So the -- I don't -- I do not believe, and
12 Attorney Sterling's been involved in the case longer
13 than me, that this is the February 25th compliance to
14 Texas. This is material that was delivered to Texas
15 on Friday of last week and why it would be
16 redelivered; I don't know. I'm told there -- it --
17 I'm told that this was a search of the terms in one,
18 done through the 9.3 million emails, that they culved
19 what was responsive to the search terms, and it was
20 yielded. And I've been given authorization to turn it
21 over given the exigencies here relying on Texas'
22 betting.

23 So I -- I can't give you an account. I can --
24 I can get you an answer, but I can't give you
25 an account of why there were no Jones emails. I think
26 that the -- if -- if Ms. Sterling says it's true,
27 I'm not in a position to controvert it, but I'm

1 surprised by it.

2 THE COURT: Well, I -- I part of me says that
3 we sort of need a better grasp of what has been
4 produced to date for short.

5 ATTY PATTIS: Yes.

6 THE COURT: And since some of the materials were
7 just produced last night, I think before I make a
8 decision, I think that we need to be on the same
9 page, both sides, as to what has been produced
10 and what is still owed.

11 ATTY STERLING: Your Honor, may I be heard on a
12 few other items?

13 THE COURT: Absolutely.

14 ATTY STERLING: Recognizing we need to go
15 quickly.

16 But -- so we're talking about responses
17 to request for production number one. And what we're
18 not talking about is the fact that we don't have
19 interrogatory responses, you know, that -- that
20 even in the very best scenario it was on roughly
21 March 18th or March 20th that Attorney Pattis began
22 to have direct communications with the client, you
23 know, got to be entirely clear about the urgency of
24 this situation. We still don't have complete
25 interrogatory responses and I think that it is,
26 without blaming Attorney Pattis, this is still a
27 pattern of non-production by the client. We don't

1 have marketing responses, we don't have candor
2 with regard -- and again, not blaming
3 Attorney Pattis, but the marketing responses there's
4 really no excuse. That's not a voluminous email
5 search. Those -- that's information that they
6 represented to the Court was valuable and
7 proprietary. Presumably they know right where that
8 is. It's not been produced.

9 So with regard to the -- the eight to 10 million
10 emails on the servers; there was a representation
11 made in Texas in February that they were doing that
12 search and that they could have compliance by
13 March 4th. And -- and there's an affidavit to that
14 affect that I'd like to enter into the record.
15 I mean, just because we've heard over and over again,
16 the search is time consuming, that may well be so but
17 that's really not a reason why documents weren't
18 produced in this case. Really what's going on is that
19 the client withheld them.

20 And then with regard to Attorney Barnes and his
21 involvement, my understanding is that Attorney Barnes
22 pro hac vice application is still pending in Texas.
23 In other words, that -- that the -- there isn't a
24 complete separation between -- it was Mr. Barnes who
25 defended Mr. Jones' deposition in the Texas case on
26 March 14th. I -- I -- I simply think that the --
27 the representations by Attorney Pattis concerning

1 Mr. Jones' reliance on Mr. Barnes are the --
2 are presumably coming from Mr. Jones but -- but
3 we don't really have any way of testing that in this
4 courtroom and -- and there are many reasons to
5 question whether Mr. Jones is being accurate in those
6 representations. I think if the Court looks at
7 the affidavit that was submitted on Friday, it's
8 unbelievably vague, given the situation that
9 the Jones' defendants are facing right now.

10 So may I submit a copy of this Jones affidavit
11 from Texas, Your Honor?

12 THE COURT: Is it -- it's not already in
13 the file?

14 ATTY STERLING: It's -- no, Your Honor, it's not.
15 It -- it was filed in the Scarlett Lewis (phonetic)
16 case. I have a copy for counsel and I'd just --

17 THE COURT: Can you show Attorney Pattis?

18 ATTY STERLING: -- like to make it a part of the
19 record in this case. Yes, of course.

20 THE COURT: And -- and the other counsel,
21 of course.

22 ATTY PATTIS: No objection, Judge.

23 THE COURT: I don't have a clerk, you can hand it
24 up.

25 Can you have your office e-file it?

26 ATTY STERLING: Yes, of course.

27 THE COURT: Since I don't have a clerk in the

1 courtroom; thank you.

2 ATTY STERLING: And I -- I don't mean to dwell
3 on this too much.

4 THE COURT: Can I just -- can --

5 ATTY STERLING: Of course.

6 THE COURT: -- I just take a look at it?

7 Thank you, whenever you're ready.

8 ATTY STERLING: Your Honor, I -- I think
9 the record speaks for itself. Obviously we've voiced
10 our concerns and unless the Court has further
11 questions, that's all I -- I have, Your Honor.

12 THE COURT: All right.

13 Attorney Pattis.

14 ATTY PATTIS: I stand by my prior remarks as
15 well. I -- I do not believe that Mr. Jones has been
16 dilatory in any respect. Distracted and ill advised,
17 certainly. I am in daily contact with him now, talked
18 to him four times yesterday. I am going down to
19 Austin to spend time with him fairly soon to lay eyes
20 on this whole mess myself. And, you know, I --
21 I repeat what I said I my motion to reconsider.

22 The -- the plaintiffs waited until the time it
23 suited them to file the claim. They have novel claims
24 that they seek to use to toll the statutes of
25 limitations because the complaint -- the -- the
26 actions they complain of extend over a year. We had
27 30 days, mandatorily, to file a motion that's

1 sounding in core concerns with the first amendment
2 freedom of discretion and we intend to defend
3 substantively on those grounds.

4 The other side tendered discovery requests that
5 are voluminous and very, very complex. I think
6 Mr. Jones' first amendment defense, it's obviously
7 intent on asserting it. There have been changes in
8 counsel. I don't want to come in here and make this
9 excuse again, but I could've better spent the four
10 to six hours I've spent in weekly hearings on this
11 with the Jones' defendants rather than coming in here
12 and -- and answering the plaintiffs' requests that
13 they -- that this Court avoid deciding the first
14 amendment issues on the merits. They had years to
15 develop this case. To suggest that they -- that they
16 can't answer the motion to dismiss without discovery,
17 you know, it's -- it's a little rich and is --
18 is inconsistent with the statutory regime that
19 created the anti-SLAPP suit to protect people engaged
20 in protected speech from this sort of stuff. But we
21 understand the Court's ruled and we've got to do it.
22 I'm asking for some additional time.

23 THE COURT: So, Attorney Pattis, did you --
24 did your client not want to take advantage of
25 the opportunity that it was extended last week to
26 file answers under oath --

27 ATTY PATTIS: I --

1 THE COURT: -- in this case?

2 ATTY PATTIS: -- was in touch with his
3 representative last night, where I learned that a
4 different set of answers that was -- that -- that
5 Mr. Barnes had basically kyboshed the answers that
6 were going to be given. As I had represented to the
7 Court last week, it wasn't until Tuesday or so that
8 Mr. Jones had learned that there had not been full
9 compliance. And so we had to arrange the ouster in
10 affect, Mr. Barnes. He does want to -- I spoke to his
11 representative last night. Among other things, for
12 example, I'm getting pushback on getting the list
13 of the 77 or so employees and I said, look, you don't
14 have a choice. You give me that list, and then I deal
15 with it.

16 THE COURT: I think I expected today following
17 the argument last week, I expected today, frankly,
18 some submission. I know you said that you didn't want
19 to do rolling discovery or piece meal discovery, but
20 I fully expected to be looking at a signed set
21 of interrogatories and requests for production not
22 all complete, you know. Some probably to be provided
23 or in progress, but at least some of the answers
24 under oath because unless the answers are under oath,
25 none of this means anything. This is really --

26 ATTY PATTIS: I understand.

27 THE COURT: -- just pieces of paper at this

1 point. And so this far into the case we don't have a
2 single interrogatory or production request under
3 oath.

4 ATTY PATTIS: They -- I left this Court Friday at
5 about four, I think. I was in touch with people
6 in Texas, some of whom were unavailable over
7 the weekend. I engaged in working on this over
8 the weekend. I'm on trial in another case and I'm
9 trying to juggle the two things simultaneously.
10 I took calls from Mr. Jones at the lunch break during
11 trial. I took calls from him after trial. I talked
12 to him on the way home, I spoke to his
13 representative. Short of cloning myself, I'm not sure
14 what more I can do at this point. And if you issue
15 the order to clone, I'll be twice as happy but
16 I suspect a lot of people around me won't be twice as
17 happy.

18 THE COURT: So I think the best that you could do
19 is if you could ask for a week for the Court to --

20 ATTY PATTIS: That is the best --

21 THE COURT: -- decide the issue.

22 ATTY PATTIS: -- I could. And -- and because
23 I'm either gonna put up --

24 THE COURT: Not a week to -- not a week
25 extension, a week to decide the issue.

26 ATTY PATTIS: No, I understand.

27 THE COURT: Yes.

1 ATTY PATTIS: I mean --

2 THE COURT: Because I thought that's what we were
3 doing today.

4 ATTY PATTIS: And I thought I offer -- I mean,
5 look, I'm in the middle of preparing of trial, I'm
6 delivering --

7 THE COURT: I understand.

8 ATTY PATTIS: -- documents to counsel's house on
9 a Sunday afternoon. Maybe I should stop, and fix
10 breakfast and pick up a coffee along the way, too. I
11 don't know what more you want me to do candidly. And
12 I'll -- if you tell me and I'll do it.

13 THE COURT: If you want to come back in a week,
14 hopefully with interrogatories and production
15 requests under oath so that I could then decide the
16 issue.

17 ATTY PATTIS: Yes, ma'am.

18 THE COURT: I'm willing to do that.

19 ATTY PATTIS: Can we come on the second, Judge,
20 we're likely to have -- we're likely to still --
21 we're likely to wrap the Middletown case up on the
22 first. It's going a little slower than we expected.
23 I think the second is Tuesday, if I'm not mistaken.

24 THE COURT: Does that work for other counsel?

25 ATTY STERLING: Yes, Your Honor, that's fine.
26 May we have a time?

27 THE COURT: It doesn't matter to me. You can go

1 to case flow and pick a time that works for you all.

2 Anything else today?

3 ATTY PATTIS: Nothing from the defendant --
4 the Jones defendants, Judge.

5 THE COURT: Any of the other defendants?

6 ATTY JAKIELA: No, Your Honor.

7 ATTY BROWN: No, Your Honor.

8 ATTY SMITH: No, Your Honor.

9 THE COURT: All right.

10 So just head to case flow and pick the time.

11 ATTY BLUMENTHAL: Your Honor -- I'm sorry,
12 Your Honor.

13 Just before we leave today, on Mr. Halbig's
14 issues, I just wanted to kind of surface some things.
15 I think he believes that he has requested
16 adjudication on a number of motions. He sent us
17 correspondence indicating that he believes he
18 conferred with us and marked the -- a number of
19 motions, take papers, and that they would be
20 adjudicated today. I don't know. I -- I've seen
21 no indication that that actually happened.

22 THE COURT: Can you just have me --

23 ATTY BLUMENTHAL: Yeah.

24 THE COURT: Just give me a second to take a look.
25 I -- I don't want to get into the substance of --

26 ATTY BLUMENTHAL: I -- I understand, Your Honor.

27 THE COURT: -- his motions.

1 The only request for adjudication that I see in
2 the case are from your office. And I see a case flow
3 request from your office. I don't see anything
4 recently that Mr. Halbig has filed. I'm looking in
5 the Lafferty case ending in 36, but I don't see
6 anything in the file where he's requesting that
7 anything be adjudicated.

8 Do you have a date on it?

9 ATTY BLUMENTHAL: That's our understanding as
10 well, Your Honor, we just want to make sure. He had
11 sent us correspondence indicating that he believes
12 that he has marked at least six motions in the
13 Lafferty case as ready. I'm not here to discuss them
14 substantively.

15 THE COURT: All right.

16 ATTY BLUMENTHAL: I just --

17 THE COURT: I will just say for the record that
18 I just looked in the Lafferty file ending in 36.
19 I don't see anything in the file, any case flow
20 request or request for adjudication. So at this
21 point, I'm not working on any of those motions until
22 Mr. Ferraro tells me, all right, they're --

23 ATTY BLUMENTHAL: Okay.

24 THE COURT: -- cued up, everybody knows that
25 they're cued up and then I'll work on them. But at
26 this point, I don't see anything in the file.

27 Does anybody else want to be heard on that;

1 all right.

2 Thank you, counsel.

3 ATTY BLUMENTHAL: Thank you, Your Honor.

4 (Whereupon this matter was concluded.)

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X06-UWY CV18 6046436 : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 26, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Barbara Bellis, Judge, on the 26th day of March, 2019.

Dated this 24th day of July, 2019, in Bridgeport, Connecticut.



P'Shaunda D. Gibbs-Hopkins,
Court Recording Monitor

X06-UWY CV18 6046436 : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
v. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 26, 2019

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P'Shaunda D. Gibbs-Hopkins,
Court Recording Monitor

Exhibit E

XO6-UWY CV18 6046436 : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : APRIL 10, 2019

H E A R I N G

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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Recorded and Transcribed By:
P'Shaunda D. Gibbs-Hopkins
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: Good afternoon, everyone, please
2 be seated and just give me one moment to get the
3 case up.

4 Looks like we had success, all right.

5 If we could have everyone identify themselves
6 for the record please.

7 ATTY STERLING: Good afternoon, Your Honor.

8 Alinor Sterling, Koskoff, Koskoff and Bieder for
9 the plaintiffs.

10 ATTY MATTEI: Good afternoon, Your Honor.

11 Christ Mattei also with Koskoff for
12 the plaintiff.

13 ATTY SMITH: Good afternoon, Your Honor.

14 Kevin Smith and Zach Reiland for the Jones
15 defendants, as well as Attorney Pattis who's with us
16 remotely.

17 ATTY PATTIS: Good morning, Judge, or afternoon.

18 THE COURT: Good afternoon.

19 ATTY BROWN: Good afternoon, Your Honor.

20 Stephen Brown on behalf of Midas Resources
21 from Wilson Elser.

22 ATTY JAKIELA: Good afternoon, Your Honor.

23 I'm Kristen Jakiela, Raynor, Taylor on behalf of
24 Cory Sklanka.

25 THE COURT: Okay.

26 And we passed somebody by.

27 ATTY REILAND: I apologize, Your Honor.

1 Attorney Zachary Reiland for Mr. Jones.

2 THE COURT: Okay.

3 Same firm?

4 ATTY REILAND: Yes, Your Honor.

5 ATTY SMITH: Pattis and Smith.

6 THE COURT: Okay.

7 So, Attorney Pattis, I have to start by asking
8 you if you have met the newest member of your family?

9 ATTY PATTIS: I did, yes. It's real great.

10 THE COURT: Very -- I'm sure it is. I'm --
11 I'm sure it is very exciting, all right.

12 So what's the best way to proceed?

13 ATTY STERLING: Your Honor --

14 ATTY PATTIS: From the defendants' perspective,
15 Judge, our view is that the Court does not rule on
16 a motion to reconsider and has deferred judgment on
17 that. Our -- our preference would be that the Court
18 hear argument on that and then move to sanctions
19 if you think sanctions are appropriate.

20 ATTY STERLING: Your Honor, from the plaintiff's
21 perspective, it doesn't matter which. They're, from
22 our perspective, one in the same so whichever the
23 Court wishes to take up first is fine.

24 I would just say as a preliminary matter,
25 I think because sometimes people get rolling in
26 argument. I am gonna be asking that anything that is
27 referred to in terms of compliance documents that

1 have been provided to us in compliance for
2 representations by counsel concerning affidavits,
3 that those be marked into the record. And depending
4 on what comes in --

5 THE COURT: Things that haven't been filed,
6 you mean affidavits that aren't a part of the file
7 yet.

8 ATTY STERLING: Correct.

9 So we've been provided some documents which have
10 not been made part of the Court file by the
11 defendants. I anticipate that they may want to rely
12 on some of them in argument. Rather than be trying
13 to pop up during the course of counsel's argument, I
14 just wanted to raise that now.

15 THE COURT: Well, let's see how it goes.

16 I -- I think I'm going to deal with the motion
17 for sanctions and the motion for reconsideration at
18 the same time because it really is one in the same
19 in many ways. So I'm not sure what makes the most
20 sense how to proceed. I think the issue is where we
21 stand by way of side interrogatory responses and
22 compliance with the production request.

23 ATTY STERLING: Yes.

24 We are --

25 ATTY PATTIS: From the defendants' perspective,
26 Judge, we have complied with the requirement by
27 entering signed interrogatory responses under oath

1 and we have engaged in rolling discovery that has
2 yielded the production of tens of thousands of
3 documents.

4 We do have affidavits from three people, four
5 people. We're asking that they not be filed because
6 they are concerned that as a result of what happened
7 in Texas, these will go right to the media and people
8 will be harassed. One employee here, for example,
9 approached me this morning to say that as a result
10 of events in Texas, his wife who is a Federal
11 Employee has been hounded at her place of employment.

12 So we've given affidavits explaining the
13 providence of the material we have provided to --

14 THE COURT: So --

15 ATTY PATTIS: -- defendants.

16 THE COURT: -- let me just address that,
17 Attorney Pattis.

18 If -- if someone is going to want me to review
19 an affidavit, it becomes either an exhibit, and I'm
20 going to have a perfected record for appeal here or
21 it gets filed in the file. One or the other. And once
22 it's a Court exhibit, that someone could come,
23 arguably, and hold the exhibits and look at it.
24 I would have to have a hearing which I don't think
25 we're prepared to do today, on whether something
26 should be sealed or redacted.

27 So if you're asking the Court to consider --

1 whoever's asking the Court to consider it, I can't
2 just agree to take a look at it, hand it back to
3 you and then have issues with respect to
4 transparency. And, you know, if there are issues in
5 the future about if there are new counsel in the
6 case and disagreement as to what the Court reviewed.
7 So I'm going to sort of do it by the book in that
8 regard.

9 So I don't know if you can avoid having to use
10 the affidavits, whoever wanted to use them. So -- but
11 if you're not able to --

12 THE COURT: Well, I -- I'll defer on that until
13 I hear the arguments from adversary.

14 As to the request for production, Mr. Reiland,
15 I presume, has the copy of those that he's prepared
16 to present to the Court. And what the
17 Court -- and I don't know, Zach, do you want to do
18 that now.

19 ATTY SMITH: Certainly.

20 Your Honor, we do have your 10 page document
21 which I have given a copy of to counsel on -- on
22 all sides. And I know that the Court was provided
23 this morning, if I may, Your Honor, handing that
24 up to your marshal.

25 The other side filed their request for
26 production. This document mirrors those, as far as
27 the --

1 THE COURT: With the --

2 ATTY SMITH: -- responses --

3 THE COURT: -- answers?

4 ATTY SMITH: 1a through --

5 THE COURT: Oh.

6 ATTY SMITH: -- yes, Your Honor.

7 THE COURT: Yes.

8 ATTY SMITH: And so it may be --

9 THE COURT: So I can --

10 ATTY SMITH: -- helpful.

11 THE COURT: Do you want me to have that filed
12 in the file or do you want it a Court exhibit; I
13 don't really think it matters one way or the other.

14 ATTY SMITH: Whatever the Court's pleasure.
15 I agree, I don't think it matters.

16 ATTY STERLING: It's -- it's fine either way,
17 Your Honor.

18 THE COURT: All right.

19 ATTY STERLING: Just as long as it's part of the
20 Court file.

21 THE COURT: Okay.

22 So let's mark it a Court exhibit, and then if
23 you could pass it up to me.

24 So I just want to make sure that, because we're
25 moving onto the productions. We are -- there are
26 no issues with respect to the interrogatory
27 responses. There's --

1 ATTY PATTIS: There -- there may be. I -- I
2 (inaudible) not been made aware of any.

3 ATTY STERLING: Your Honor, with regard
4 to the interrogatory responses, I think that the
5 issues are less significant. I think if we address
6 the request for production first, we will reach
7 the heart of the problem. We can come back to the
8 interrogatory responses.

9 THE COURT: That works for the defense,
10 that's fine with me.

11 Can you hand that up when you're done?

12 THE CLERK: Yes, Your Honor.

13 Court Exhibit 1.

14 ATTY BROWN: Excuse me, I missed the A or 1,
15 I'm sorry. Have you marked the --

16 THE COURT: One.

17 ATTY BROWN: -- Court Exhibit?

18 THE CLERK: Court Exhibit 1.

19 ATTY BROWN: Thank you.

20 THE COURT: All right, I've got it in front
21 of me.

22 ATTY SMITH: Thank you, Your Honor.

23 ATTY PATTIS: Assuming you're looking at the same
24 documents, Judge, this list, the number of responsive
25 files sorted by categories as to interrogatory 20.

26 THE COURT: Can I --

27 ATTY PATTIS: There are --

1 THE COURT: Attorney Pattis, do you mind, excuse
2 me.

3 That -- the answers -- that's how many files
4 were produced or the -- that's an indication of how
5 many files exist?

6 ATTY PATTIS: Zach can speak to that. Regardless
7 how many were produced that --

8 ATTY REILAND: If I may, Your Honor, yes. I --
9 I was kind of in charge of most of the sorting
10 production of these documents.

11 The number that's listed on this document here
12 is the number of files that was produced to the
13 plaintiffs, and then after that the date -- the date
14 in which they were produced.

15 THE COURT: Okay.

16 ATTY PATTIS: There are instances in which there
17 are overlaps between the topics. So for example,
18 the same name occurs with respect to one or more
19 categories and there may be some duplicated effort
20 there. But there was no intention to play hide the
21 ball with material. For example, if the Court were
22 to look at 1L, 2E, and 4A, it will note that 12,223
23 files were produced as to Mr. Halbig. There will be
24 overlap and there've been -- may well may be
25 identical.

26 THE COURT: All right.

27 So is there any consensus at all, I mean, I --

1 is there any consensus at all as to whether any
2 of the production requests have been fully complied
3 with?

4 ATTY STERLING: Your Honor, there's not and --
5 and let me point out why. Let me -- let me pull that
6 back.

7 I think there may be complete compliance as
8 to 11 as -- by Mr. Jones individually. That -- if I'm
9 remembering the number correctly, that was the
10 divorce transcript. But the global concern, which is
11 a really serious concern we have with regard to this
12 document, first of all it's not signed. Second --

13 THE COURT: May I -- let me just stop you there.

14 Does the Practice Book -- I know the
15 Practice Book requires that interrogatory responses
16 are to be signed under oath and that there should be
17 supplemental compliance --

18 ATTY STERLING: Right.

19 THE COURT: -- under oath, but are --

20 ATTY STERLING: Right.

21 THE COURT: Is -- does the Practice Book require
22 that production requests are signed under oath?

23 ATTY STERLING: No. I don't think it requires
24 that a party sign it under oath. It requires that a
25 request for production, I'm looking at 13-10, be
26 responded to by the party or their counsel. What I'm
27 seeing is that this isn't signed by Attorney Pattis,

1 so there's no --

2 ATTY PATTIS: That's easy enough to do. We'll
3 sign it right -- I'll -- Zach will sign it on my
4 behalf.

5 THE COURT: Just for one -- just one second.

6 ATTY SMITH: Your Honor --

7 THE COURT: It looks like it's signed to me.

8 ATTY STERLING: Oh, then Your Honor I apologize.
9 I was given something.

10 THE COURT: Court Exhibit 1 --

11 ATTY STERLING: Okay.

12 THE COURT: -- has it signed by Attorney Pattis
13 and it looks like --

14 ATTY SMITH: Your Honor, I signed that one today.
15 We -- what Attorney -- what Attorney Sterling has,
16 I believe, is a copy of that that was given to her
17 and no changes to it on April 2nd --

18 ATTY STERLING: Right.

19 THE COURT: -- of 2019. That one may not have
20 been signed but --

21 ATTY STERLING: Okay.

22 THE COURT: -- in order to bring this one in
23 today, I -- I signed that one. I -- I don't believe
24 there's any difference in them substantively.

25 THE COURT: Okay, so --

26 ATTY STERLING: Okay.

27 THE COURT: So it is signed --

1 ATTY STERLING: So that's --

2 THE COURT: -- by counsel.

3 ATTY STERLING: But that doesn't' solve
4 the issues that we have. In these respects, you know,
5 Your Honor, just asked what documents exist. And this
6 is a representation by what -- by a party about which
7 documents exist responsive to the request directed to
8 that party, and which have been provided.

9 So if you look at the first page of the document
10 it says, defendants' responses to plaintiff's special
11 request for production. There were five separate sets
12 of requests for production served and this doesn't
13 say which defendant is responding.

14 THE COURT: Well, that's easy enough.

15 Counsel, make the representation, which
16 defendant?

17 ATTY SMITH: Your Honor --

18 ATTY PATTIS: All of them.

19 ATTY SMITH: Yes.

20 ATTY PATTIS: That should've been plural
21 possessive, that's our mistake.

22 ATTY SMITH: Your Honor, these are all
23 effectively the same entity that -- that we
24 represent, which is Alex Jones and --

25 THE COURT: Yes.

26 ATTY SMITH: -- his associates.

27 THE COURT: All right.

1 ATTY STERLING: But, Your Honor, what we've
2 learned, they are not because Alex Jones individually
3 keeps documents separate from Free Speech Systems.
4 The other thing is if you read through these
5 interrogatory responses one by one --

6 THE COURT: Well, let me just stop you there.
7 The -- the -- I suppose the defense can file a new
8 cover page or a new signature page that just
9 clarifies, because it does say the defendant, that --
10 that just clarifies that the responses are on behalf
11 of all defendants which the Court accepts. You said
12 it and the Court accepts it.

13 ATTY STERLING: Okay.

14 THE COURT: So, you know, I -- I -- I think
15 the issue at this point for me is whether there's
16 been substantial good faith compliance or not such
17 that the defendant should be allowed to pursue their
18 special motion to dismiss. And it may be that you're
19 not going to be satisfied with the responses and
20 you'll have to go forward with depositions. And then
21 if it turns out that, in fact, that these were non
22 responsive or there was, you know, good faith,
23 I mean, anything along those lines, you could file
24 the appropriate motion at that point. You could ask
25 for additional time for a deposition. You know,
26 you could pursue those sanctions.

27 So I'm not looking at this point to go through

1 each one individually and address whether -- whether
2 every single document has been produced.

3 ATTY STERLING: Understood, Your Honor.

4 THE COURT: I'm pushed at this point trying
5 to figure out whether there's been finally an --
6 an effort at meeting the discovery obligations.

7 ATTY STERLING: Okay.

8 THE COURT: Okay.

9 ATTY STERLING: So, Your Honor --

10 ATTY PATTIS: Judge, with respect to --

11 ATTY STERLING: -- I was trying to respond to
12 that.

13 ATTY PATTIS: -- Mr. Alex Jones, when we were
14 last in court, the plaintiff's pleadings made clear
15 that there was, in their regard, a specific lack
16 of communications regarding Mr. Jones. And we've
17 inquired further and found out that he has a separate
18 email account. We have had that account searched and
19 we have provided several hundred emails to the
20 plaintiffs that were responsive to their request --

21 THE COURT: Can I just --

22 ATTY PATTIS: -- together with a --

23 THE COURT: Sorry, Attorney Pattis.

24 ATTY PATTIS: I'm sorry.

25 THE COURT: I'm sorry, I apologize.

26 I lost you after there was a -- you discovered
27 that he had a separate email account.

1 ATTY PATTIS: Correct.

2 And we had had that account searched. We've
3 provided -- Zach; Mr. Reiland can tell you the exact
4 number; several hundred emails that were responsive
5 requests together with a detailed privileged log,
6 consistent with the requirements of 13-3 of the
7 Practice Book.

8 So we think that we have substantially complied
9 there. I'm unaware of other -- I'm here in Austin now
10 looking through this fiscal plant and interviewing
11 the people here to determine whether, in fact,
12 there are missing items. I'm aware of plaintiffs
13 having studied their pleadings. I don't -- not,
14 you know, at all (inaudible) don't want to hear about
15 the affidavits and I'm not gonna (inaudible) unless I
16 file them. I -- I am unaware of anything other than a
17 corporate chart which I believe is responsive to
18 number 19, an organizational part. And I'm unaware
19 of anything where either my office or counsel
20 retained by my office who spent three days here not
21 long ago, and we gave a draft affidavit to me and
22 I forwarded to the plaintiffs describing his efforts.

23 I'm unaware that there is any document that is
24 responsive that we have not produced. Having said
25 that --

26 THE COURT: To any of the --

27 ATTY PATTIS: -- I understand why the plaintiffs

1 are -- are skeptical because there are documents that
2 I would've expected to find.

3 THE COURT: So, I -- is -- as I'm understanding
4 what you're saying to your knowledge, you've --
5 your -- your clients have fully complied with the
6 production --

7 ATTY PATTIS: Well --

8 THE COURT: -- production request?

9 ATTY PATTIS: No, because if you look at 19, it
10 says, providing organizational chart depicting your
11 structure of organization. We've not done that all.

12 THE COURT: All right.

13 Putting aside 19 --

14 ATTY PATTIS: And it appears there really is no
15 organization here. My (inaudible) looked like
16 (inaudible).

17 THE COURT: Putting aside 19, is it your position
18 that there's been full compliance with any other
19 production request to your knowledge?

20 ATTY PATTIS: It is, Judge. Yes, to my knowledge.
21 We have interviewed each and every person that had
22 any responsibility for control of these types of
23 documents. We've reviewed the production request with
24 them. We've asked them to search databases, fiscal
25 files. Items in storage, which I'm told there are
26 none, and we have been given what we have -- we've
27 provided what we've been given. What we have

1 withheld, we've provided a privilege hold for. I
2 (inaudible) because we've even given more than
3 prior -- I'm told that we inadvertently gave some
4 privileged material (inaudible) experts return. I'm
5 told that the -- it's the defendants position -- the
6 plaintiff's position that we'd waive the privilege.
7 I've yet to make an application under 13-33 for their
8 return and a hearing on that topic.

9 But we've -- we've done everything that I know
10 how to do to respond to these requests, and I am hard
11 pressed to think of what more we could have done.

12 THE COURT: All right.

13 ATTY SMITH: Your Honor, may I just add to that
14 because I'm not sure that Attorney Pattis has this.
15 But I know that it's been disclosed to
16 Attorney Sterling, and -- and that is a -- a summary
17 of Mr. Jones' personal email and the efforts that
18 were gone through in order to accomplish that search
19 to provide those things, which was also given to them
20 with the privilege log. So that they have been
21 provided all that as far as the efforts that were
22 made to meet that.

23 THE COURT: All right.

24 ATTY STERLING: Your Honor, Attorney Pattis
25 diverted to some of the individual compliance and I'd
26 like to go back to the request for production,
27 because I really think that the -- the problems lie

1 there. And I'll -- I'll address the individual
2 compliance by Mr. Jones in a moment.

3 But if Your Honor looks at page two of the
4 responses to the request for production, under
5 response, this is the response to number one.
6 The responses all responsive documents in undersigned
7 counsel's possession have been disclosed to --

8 THE COURT: Right.

9 ATTY STERLING: -- plaintiff's counsel.

10 THE COURT: Well, that's not -- that's clearly
11 not the standard.

12 ATTY STERLING: No.

13 THE COURT: So to me then the answer -- is that
14 response for number one?

15 ATTY STERLING: That's for number one through
16 eight --

17 THE COURT: All right, so --

18 ATTY STERLING: -- 11, 12, 14 --

19 THE COURT: -- I have to say --

20 ATTY STERLING: -- through 17.

21 THE COURT: -- to me then in light of that,
22 this is meaningless because the standard -- if the
23 standard were what is in counsel's possession, then
24 we would be writing the Practice Book differently.
25 But it's obviously what's in the possession or
26 control of the actual party.

27 So I'm -- on -- I am -- and no one's ever

1 suggested that counsel have documents that they
2 haven't produced, so right that -- that's a
3 non-starter for me right there.

4 ATTY SMITH: Your Honor, I believe the response
5 is as to what was at that point an ongoing as we are
6 getting things, we are turning them over. We are
7 continually engaging in those searches at that time.

8 THE COURT: Well, I --

9 ATTY SMITH: And are creating --

10 THE COURT: Then I misunderstood. I thought when
11 I asked Attorney Pattis whether you felt putting
12 aside number 19, whether your client was -- had fully
13 complied with any of the production requests.
14 I thought you said except for 19, yes. That doesn't
15 seem --

16 ATTY PATTIS: And I did, and I'm aware of
17 everything, but I'm also aware of our continuing duty
18 to disclose. I'm unaware that any documents have been
19 withheld from Mr. McKaney (phonetic) or from me. So
20 the concern is that in saying, is that you've
21 suggested that the clients have played hide the ball
22 with that, then I guess we will tender the
23 affidavits --

24 THE COURT: All right.

25 ATTY PATTIS: -- of -- in fact, I've asked them
26 to produce the affidavits of Kenneth Fruee;
27 f-r-u-e-e.

1 THE COURT: I mean --

2 ATTY PATTIS: Robert Dew; d-e-w and
3 Michael Zimmerman.

4 THE COURT: Attorney Pattis, wouldn't -- wouldn't
5 the issue be whether to -- for example, well,
6 you know, do you have different clients. But let's
7 focus on Mr. Jones since he's the first named
8 defendant. Wouldn't the standard be when the question
9 is asked, you know, has a particular production
10 request been fully complied with, it would be to
11 Mr. Jones' knowledge and information. So that's what
12 the standard is. It's not -- it's not what counsel's
13 understanding is. So I think that's part of the
14 problem.

15 ATTY PATTIS: I think that -- that goes to
16 Attorney Sterling's point about whether these should
17 be signed by a client. I think we see (inaudible) the
18 request for production be signed.

19 THE COURT: There's not but --

20 ATTY PATTIS: I'm simply saying that you're a
21 officer. We've made no effort -- we've not instructed
22 the client to withhold documents. We're unaware
23 of documents that are -- we can easily recraft --

24 THE COURT: All right.

25 ATTY PATTIS: -- these if you want and sworn to.

26 THE COURT: Well, I think you need to because I
27 think that is not -- that's -- it's just not

1 something that's seen in production requests,
2 you know, in responses. That's -- it's --

3 ATTY PATTIS: Yeah, I know, understood.

4 THE COURT: -- unnecessary language.

5 So assuming that --

6 ATTY PATTIS: I think we were given a little
7 (inaudible) because of the fact that this was handed
8 off from another counsel. We've revised, for -- for
9 example, in number one, we revised a substantial part
10 on the work at the Texas firm with defendant;
11 Mr. Jones, but I understand the Court's concerns and
12 I will take these up with --

13 THE COURT: All right.

14 ATTY PATTIS: -- Mr. Jones.

15 THE COURT: So I think so far we're talking about
16 having a new production compliance filed with,
17 you know, clarifying that it's on behalf of all
18 five defendants. I don't know if --

19 ATTY PATTIS: Yes.

20 THE COURT: -- if it should be done individually.
21 The interrogatory responses are going to be done --

22 ATTY STERLING: The --

23 THE COURT: -- individually --

24 ATTY STERLING: -- Practice Book --

25 THE COURT: -- and they were filed individually,
26 so they really should be done individually for each
27 defendant, even though it's, I assume, going to be

1 repetitious.

2 ATTY STERLING: Right.

3 THE COURT: But I -- so I think you need to have
4 the separate responses, and I think having is signed
5 by counsel is what the Practice Book requires, but
6 without the disclaimer on any of it, because that's
7 not what the standard is, all right.

8 ATTY STERLING: Your Honor, and -- and -- so
9 from where we sit, this has gone on, and on and on
10 with so my opportunities to correct and this
11 (inaudible) always of one person's responsible for
12 something, one person's responsible for something
13 else. No party takes responsibility for compliance.
14 So this fits into the pattern that the Court has been
15 seeing since February.

16 THE COURT: All right.

17 But the -- what I'm focusing on now, whether
18 there's been substantial compliance. So let's
19 assume -- I don't see any reason, I mean, I'm looking
20 through this. There's just nothing in here that seems
21 confidential to me. I don't see any reason why --
22 because I -- I imagine that I'm going to see the
23 exact same responses just five sets of them and with
24 the disclaimer out. I don't see any reason why that
25 can't be done by tomorrow and just filed right in
26 the file. There's nothing here that looks privileged
27 or confidential.

1 ATTY PATTIS: Agreed, Your Honor.

2 THE COURT: So let's assume that tomorrow that's
3 filed.

4 ATTY STERLING: Okay.

5 Your Honor --

6 THE COURT: How is this not substantial
7 compliance?

8 ATTY STERLING: So if Your Honor looks at number
9 14, 15, 16 and 17, this has to do with the marketing
10 information, business plans, marketing analytics,
11 marketing data. We've already submitted to the
12 Court -- actually the defendant submitted to the
13 Court in support of their motion for protective
14 order, the affidavit of David R. Jones, who
15 represented to the Court under oath that he had
16 reviewed our discovery responses and that there was
17 confidential proprietary --

18 THE COURT: Right.

19 I remember that, so --

20 ATTY STERLING: -- information response.

21 THE COURT: So, you would need a hearing or --
22 I understand why this seems suspicious in light of
23 that affidavit, but that would require an evidentiary
24 hearing.

25 ATTY STERLING: Your Honor, we could do it that
26 way.

27 THE COURT: I suppose you could apply to take --

1 is this -- that wasn't a deposition that you had
2 included in --

3 ATTY STERLING: It was not.

4 THE COURT: -- your request, but I suppose you
5 could file something and ask for an additional
6 deposition of the affiant that was --

7 ATTY STERLING: Right, right.

8 THE COURT: -- Mr. Jones' father was it?

9 ATTY STERLING: Yes, David R. Jones.

10 ATTY PATTIS: Yes.

11 THE COURT: So you could either agree to do that
12 on that issue, or you could apply to the Court to do
13 it. If I look at -- I don't know what that next one
14 is on page eight still. It says, web analytics
15 produced pursuant in a Texas lawsuit have been
16 disclosed to the plaintiff. I'm not sure what that
17 means. I --

18 ATTY STERLING: Exactly.

19 THE COURT: -- don't -- that's not something that
20 concerns me. I think the -- the answer is for this
21 lawsuit, I'm not -- I don't think it's reasonable
22 to have counsel have to cross reference to another
23 lawsuit. I have no idea what the question or answer
24 was. But the answer here is -- is what matters.

25 So I think you need to refile these without
26 these disclaimers.

27 ATTY STERLING: Yes, Your Honor.

1 THE COURT: But I don't see how this is not
2 substantial compliance.

3 ATTY STERLING: Okay.

4 Part of our issue is that this is full
5 of disclaimers, that -- that the affidavits that have
6 not yet been presented to the Court represent that
7 they -- they sort of changed the wording of the
8 request for production and then say that there's --
9 that they don't have documents on that issue.

10 The other -- I would like to just put something
11 on the record. Let me show it to counsel first in
12 response.

13 THE COURT: And while you do that, I'm going
14 to need two minutes, so you can take your time, okay?

15 ATTY STERLING: Okay, thanks, Your Honor.

16 All right, we're not gonna do it. We're not
17 gonna use it, so --

18 THE COURT: All set.

19 ATTY STERLING: Yes, Your Honor.

20 THE COURT: Thank you.

21 ATTY STERLING: So I'm not gonna offer that now.
22 I've sort of been pulled aside by my colleagues to
23 think about Your Honor's mention of an evidentiary
24 hearing. And so I think what, you know, what we
25 were -- would need to do is depose David R. Jones
26 then and depose the affiants whom counsel has relied
27 on in relation to this issue, if -- if the Court is

1 not persuaded by what is currently in the file.

2 THE COURT: Well, is there an -- who are
3 you looking to depose; that affiant?

4 ATTY STERLING: So that would be -- they're --
5 they're multiple affiants on this marketing issue.
6 I believe it's Alex Jones, Rob Dew, David R. Jones,
7 Mr. Zimmerman and Mr. Fruee. So that's --

8 THE COURT: On the -- on that issue?

9 ATTY STERLING: On that issue in addition to
10 the PMK deposition that we would be taking for the --

11 THE COURT: All right.

12 ATTY STERLING: -- Free Speech Systems.

13 THE COURT: But it's a -- it's a narrow issue
14 of what they based the affidavit on as compared to
15 the interrogatory responses.

16 ATTY STERLING: Yeah.

17 THE COURT: Is there an objection to that,
18 a brief narrow deposition?

19 ATTY PATTIS: As to everyone but Doctor Jones,
20 there is, Judge. We're here on an anti-SLAPP motion.
21 The plaintiffs have transformed a limited right
22 to discovery into the review of 9.3 million
23 documents. Normally under the Practice Book, we'd
24 have 60 days to respond. Prior counsel agreed we have
25 30 day response, we've had trouble meeting it. And
26 discovery is now becoming onerous.

27 THE COURT: Right.

1 ATTY PATTIS: I will concede, however, that the
2 David Jones affidavit is troubling even to me because
3 I have been told there are no analytic and the
4 affidavit suggests otherwise. And I think were I the
5 plaintiff, I would command an answer to that. I -- I
6 have no principle basis to object.

7 THE COURT: All right.

8 So why don't you start with the -- by agreement,
9 the deposition of David Jones, and then file a motion
10 with respect to the other depositions that you want
11 to take and offer a limited proposal with respect
12 to --

13 ATTY STERLING: That's fine, Your Honor.

14 THE COURT: -- time or length.

15 So anything else that you want to raise at
16 this point because the issue for me as I've said
17 repeatedly, is whether there's been substantial
18 compliance. Doesn't mean that this is, you know,
19 just like any other case where there's discovery.
20 If -- if depositions are taken, of course, just like
21 any other case and it turns out that there's bad
22 faith or intentional non-compliance, or whatever,
23 that doesn't mean whatever motion couldn't be filed.
24 But at this point --

25 ATTY STERLING: Your Honor --

26 THE COURT: -- I'm addressing whether there's
27 substantial compliance.

1 ATTY STERLING: Right.

2 So with the sort of assumption that all of
3 the things that have been said can happen tomorrow do
4 happen tomorrow, I think, you know, it's apparent
5 from the Court's comments that the Court is satisfied
6 there is at least substantial compliance. So that's
7 my --

8 THE COURT: Well, if -- if a new production
9 request, separate ones were filed, that took out all
10 the disclaimers, there would be no reason for me
11 to -- just like any other case, somebody files a
12 compliance with production request and --

13 ATTY STERLING: Right. No, I --

14 THE COURT: -- unless there's a hearing
15 otherwise, which we don't have here. But it looks
16 like with that exception of that one question, that
17 there are answers, documents referred to that have
18 been produced --

19 ATTY STERLING: Right.

20 ATHE COURT: -- for -- for all these production
21 requests.

22 ATTY STERLING: I understand the Court's
23 perspective. I, you know, I have to reiterate that
24 it is extraordinary to us that it has taken this
25 level of pressure from us and attention from the
26 Court in order to get to these kind of rudimentary --

27 THE COURT: All right.

1 But I don't want to re-evaluate --

2 ATTY STERLING: -- issues that -- but --

3 THE COURT: I don't want to re-invent history.

4 I already listened to Attorney Pattis go on about

5 discovery that was allowed and -- and we don't --

6 we're here now and we're moving forward so what about

7 the interrogatory --

8 ATTY STERLING: Yes.

9 THE COURT: -- responses?

10 ATTY STERLING: Your Honor, I --

11 ATTY PATTIS: Judge, there is one issue --

12 ATTY STERLING: May I respond, Your Honor?

13 ATTY PATTIS: I -- I'm sorry.

14 ATTY STERLING: Yeah.

15 With regard to the interrogatory responses,

16 I think that the -- they are signed under oath, so --

17 and we have one from Free Speech Systems and -- so --

18 so I'm not going to, you know, if -- if I'm gonna

19 argue about sufficiency of compliance, I'll do it

20 by motion.

21 ATTY PATTIS: Alinor, there is one issue.

22 ATTY STERLING: If I can just --

23 ATTY PATTIS: We referred to -- I -- I don't

24 know, there's a delay here. I apologize.

25 ATTY STERLING: Yeah, no.

26 What -- what I would like to take up, I have

27 one issue with the Alex Jones affidavit, which is --

1 THE COURT: I couldn't hear that, with the?

2 ATTY STERLING: Sorry.

3 With the Alex Jones affidavit which was filed
4 previously with the Court. I just wanted to inquire
5 on the record because that affidavit does not say
6 where -- where it was signed. I wanted to inquire
7 as to that question.

8 ATTY PATTIS: Austin, Texas.

9 ATTY STERLING: Okay.

10 If it was --

11 ATTY PATTIS: Oh, which one -- which one,
12 you mean the one --

13 ATTY STERLING: It's -- it's the one that's dated
14 March 22nd that was filed originally representing
15 that Mr. Jones relied on the advice of
16 Attorney Barnes.

17 ATTY PATTIS: New Haven, Connecticut.

18 ATTY STERLING: Okay.

19 So it's our understanding that Mr. Jones didn't
20 travel to Connecticut and so I -- I guess my concern
21 is that it may be improper if -- if it wasn't, I
22 mean --

23 ATTY PATTIS: He had an authorized representative
24 present who spoke to me and spoke with him and
25 authorized to sign it for him under the formalities
26 of an oath.

27 THE COURT: I've never heard of that,

1 Attorney Pattis.

2 ATTY PATTIS: I couldn't get him -- I couldn't
3 get him up here any quicker, Judge.

4 THE COURT: I -- I know, but I've never heard
5 of that in my life. I've never heard of that ever.

6 ATTY PATTIS: I've only done it --

7 THE COURT: Ever.

8 ATTY PATTIS: -- one other time and that was when
9 a person was in London.

10 THE COURT: But I've never -- I -- I --

11 ATTY PATTIS: I --

12 THE COURT: I've never heard of that. I've
13 never -- I've just never heard of it, I've never even
14 anecdotally heard of it. I've never heard of it done
15 in any case ever, I've never read about it ever.

16 ATTY PATTIS: My understanding is that a person
17 has to assert or swear under oath that the
18 attestations are true and that they appear before
19 someone who can determine that they are true. If you
20 have contact with the person, and you know their
21 identity and you review with them and they authorize
22 another person to sign for them, it's the functional
23 equivalent that (inaudible).

24 THE COURT: I would --

25 ATTY PATTIS: Whether that's, you know --

26 THE COURT: Wouldn't -- wouldn't that normally --
27 wouldn't that normally be indicated on the affidavit;

1 that somebody signed for that person, because
2 this here --

3 ATTY PATTIS: Yeah.

4 THE COURT: -- it says --

5 ATTY PATTIS: That's a good point. I did an
6 (inaudible), that's my, that's on me. There was
7 certainly no intent to deceive.

8 ATTY STERLING: Your Honor, just -- just so
9 I'm understanding -- understanding correctly. Was
10 Attorney Pattis who took -- who took Mr. Jones' oath?

11 ATTY PATTIS: Yes.

12 There is an additional issue, Judge, as to
13 the interrogatories.

14 THE COURT: I'm still pondering this.

15 ATTY PATTIS: If there's a concern, I'll have him
16 sign it and refile it tomorrow. I'm down here.

17 THE COURT: So whose signature is that then?

18 ATTY PATTIS: It is an individual's who appeared
19 for him in Connecticut who is an -- an assistant
20 (inaudible).

21 THE COURT: Is there any reason why you can't
22 give me his name, Attorney Pattis?

23 ATTY PATTIS: His concern is that he does not
24 want to be harassed by (inaudible) who have harassed
25 others in this case. If ordered to, I will.

26 THE COURT: I'm at a loss for words.
27 When are you back in Connecticut,

1 Attorney Pattis?

2 ATTY PATTIS: Monday.

3 THE COURT: So when I'm off the bench, I'm going
4 to -- we're going to leave you up there and I'm going
5 to have everybody touch base with Attorney Nielsen
6 and pick a date when Attorney Pattis is back or when
7 everyone is available when I'm back to address this
8 issue, all right, of the affidavit.

9 What else?

10 ATTY MATTEI: Can we just have one moment,
11 Your Honor?

12 ATTY PATTIS: There's an issue when -- in the
13 interrogatories, we refer to a list of employees and
14 there are 80; 8-0, employees on the Free Speech
15 Systems roster. We've provided a redacted version
16 of the list, taking title, a names off and leaving
17 only title. If ordered to, we will tender the entire
18 list, but these are people who have a real and
19 substantial concern of harassment, many of whom are
20 simply in the business of fulfilling orders for
21 health related products and I've been asked to keep
22 their names out of the record if I can.

23 THE COURT: Well, they wouldn't be part of
24 the record because you're not filing interrogatory
25 responses with the Court. And I've got to think
26 that --

27 ATTY PATTIS: Okay.

1 THE COURT: -- the parties will agree to use
2 the information only for the purposes of the
3 litigation. So have you -- has -- have the names --
4 the names have not been disclosed to the other
5 parties?

6 ATTY STERLING: Your --

7 ATTY PATTIS: No, but I've got a list right here
8 and we can get them to them forthwith.

9 THE COURT: All right.

10 ATTY STERLING: Your Honor, the -- there's a
11 protective order in this case. If they stamp
12 something that's confidential, it's a claim of
13 confidentiality. We have a choice whether to waive it
14 or not. The Court's order is that there should be an
15 affidavit with it explaining why it needs to be
16 confidential, oh sorry, and I said we have a choice
17 whether to waive it. We have a choice whether to
18 challenge it or not. I -- I don't understand why they
19 haven't just taken advantage of that --

20 THE COURT: All right.

21 ATTY STERLING: -- provision and produced it.

22 THE COURT: I think that -- that they can
23 do that.

24 ATTY STERLING: Absolutely.

25 THE COURT: All right, so --

26 ATTY PATTIS: I think there -- the concern of --
27 the concern of my clients is that they feel they got

1 sandbagged in Texas when items that were otherwise
2 confidential found their way to the Huffington Post,
3 the Daily Beast and other publications within
4 hours --

5 THE COURT: I can't speak for that lawsuit, but
6 we have a procedure here --

7 ATTY PATTIS: I know, but that's their concern.

8 THE COURT: Right.

9 We have a procedure here that the Court approved
10 and everyone will be held to, and I don't think
11 anybody's going to want to cross that line of
12 releasing confidential information. So --

13 ATTY STERLING: Absolutely, Your Honor.

14 THE COURT: -- I'm not concerned.

15 ATTY STERLING: Your Honor, only five documents
16 have bene stamped --

17 ATTY PATTIS: Look at that --

18 ATTY STERLING: -- confidential in this case, and
19 in addition the divorce transcript. So --

20 THE COURT: All right, so get that answer and
21 stamp it confidential. If you want to go that route
22 and we'll follow it that way.

23 What else?

24 ATTY PATTIS: Is it time to talk about
25 the deposition schedules?

26 THE COURT: I don't think I need to be part
27 of that.

1 ATTY PATTIS: Okay.

2 ATTY STERLING: Your Honor, I -- I guess I'm not
3 clear. Is the Court prepared to rule on the motion
4 for reconsideration or motion for sanctions, or is
5 this coming back Monday a part of that?

6 THE COURT: Well, Attorney Pattis is back Monday,
7 but I won't be here Monday, so --

8 ATTY STERLING: Oh, excuse me.

9 THE COURT: -- we have -- I am going to have a
10 hearing on that affidavit issue. And I don't think
11 there's any harm in proceeding. I mean, I think this
12 is substantial compliance but until I deal with that
13 affidavit issue, I'm not -- I'm not going to rule
14 on -- I'll take it under advisement; the motion for
15 reconsideration and the motion for sanctions. But I'm
16 going to have the hearing on the affidavit first.

17 ATTY STERLING: Okay, so --

18 THE COURT: Okay.

19 ATTY STERLING: So --

20 THE COURT: So I think you should all just
21 continue --

22 ATTY STERLING: We'll proceed?

23 THE COURT: -- to proceed forward.

24 ATTY STERLING: Okay.

25 THE COURT: And I can -- unless anybody needs me
26 for anything, I can leave you hooked up so that you
27 can have your discussions on your deposition

1 scheduling and the day for our next hearing.

2 ATTY PATTIS: Thank you, Judge.

3 THE COURT: Anybody else have anything?

4 ATTY SMITH: No, Your Honor.

5 ATTY STERLING: Thank you, Your Honor.

6 THE COURT: All right.

7 Thank you counsel.

8 Take a recess.

9 (Whereupon the matter was concluded.)

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X06-UWY CV18 6046436 : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : APRIL 10, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Barbara Bellis, Judge, on the 10th day of April, 2019.

Dated this 24th day of July 2019, in Bridgeport,
Connecticut.



P' Shaunda D. Gibbs-Hopkins,
Court Recording Monitor

X06-UWY CV18 6046436 : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : APRIL 10, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct electronic transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Barbara Bellis, Judge, on the 10th day of April, 2019.

Dated this 24th day of July, 2019, in Bridgeport, Connecticut.



P' Shaunda D. Gibbs-Hopkins,
Court Recording Monitor

Exhibit F

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	APRIL 22, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

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 ATTORNEY ALINOR STERLING
 ATTORNEY WILLIAM BLOSS
 Koskoff, Koskoff & Bieder, PC
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 Bridgeport, CT 06604

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 Speech Systems, LLC; Infowars Health, LLC; and Prison Planet
 TV, LLC:

ATTORNEY NORMAN A. PATTIS
 ATTORNEY KEVIN SMITH
 Pattis & Smith, LLC -- Ordering Party
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 New Haven, CT 06511

Representing the Defendant Cory Sklanka:

ATTORNEY KRISTAN JAKIELA
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Representing the Defendant Midas Resources, Inc.:

ATTORNEY STEPHEN BROWN
 Wilson Elser Moskowitz Edelman & Dicker
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Recorded By:
 Colleen Birney
 Transcribed By:
 Colleen Birney
 Court Recording Monitor
 1061 Main Street
 Bridgeport, CT 06604

1 THE COURT: These are the Lafferty matters. If
2 you could step forward, identify yourselves for the
3 record?

4 ATTY. MATTEI: Good afternoon, Your Honor; Chris
5 Mattei with Koskoff on behalf of the plaintiffs.

6 ATTY. BLOSS: William Bloss, Your Honor, for the
7 plaintiffs.

8 ATTY. STERLING: Alinor Sterling, also for the
9 plaintiffs.

10 ATTY. PATTIS: Norm Pattis on behalf of Jones
11 defendants, Judge.

12 ATTY. SMITH: Kevin Smith on behalf of the Jones
13 defendants, Your Honor.

14 ATTY. BROWN: Stephen Brown, Your Honor, on
15 behalf of Midas.

16 ATTY. JAKIELA: Good afternoon, Your Honor;
17 Kristan Jakiela of Regnier Taylor on behalf of Cory
18 Sklanka.

19 THE COURT: All right. So Mr. Halbig is not
20 present. So we put this down today to deal with the
21 issue on the affidavit and then we also have the
22 issue with respect to the possibly privileged
23 documents. So why don't we start with the issue with
24 regarding the documents where there might be a claim
25 of privilege. Has there -- have there been any
26 discussions or any -- anything further besides what's
27 -- what I see here?

1 ATTY. MATTEI: No further discussions, Your
2 Honor. We provided the Defense with the copies that
3 they sought and they haven't yet informed us what
4 they want to do.

5 THE COURT: All right. So is there any reason
6 why the defendants can't review the documents and
7 then formally notify the plaintiff of whatever claims
8 might be made, the basis of the claims, and then just
9 do like a privilege log like you would under 13-3,
10 because I -- I may be reading too much into it, but
11 when I was reading the filings on the issue it looked
12 to me like the same documents might have been
13 produced in Texas. And if that's the case, if it's
14 an attorney-client privilege and already produced to
15 attorneys for the other side in that case, there may
16 -- you know, it may impact what's going on here. So
17 does that work for you?

18 ATTY. SMITH: Yes, Your Honor. We can certainly
19 provide a privilege log. We did that for some of the
20 other emails we provided for Mr. Jones in regard to
21 that search. So we can certainly do that with
22 regards to these other ones that were disclosed.

23 THE COURT: How many documents total are we
24 talking about roughly, just roughly?

25 ATTY. MATTEI: I think the documents that we
26 provided, a few dozen.

27 ATTY. SMITH: Your Honor, our read of it is

1 about 40.

2 THE COURT: Okay. So you'll do the privilege
3 log, then you'll have your discussions because it
4 might be that you reach an agreement and then you'll
5 let me know if and when I need to do an in camera
6 review.

7 ATTY. SMITH: Yes, Your Honor.

8 THE COURT: Does that work?

9 ATTY. SMITH: That works.

10 ATTY. MATTEI: Thank you, Your Honor.

11 THE COURT: All right. So, anything else before
12 I deal with the affidavit issue?

13 ATTY. MATTEI: Perhaps we can deal with further
14 scheduling at the end, Your Honor, if you'd like
15 since we filed a couple of motions.

16 THE COURT: Well, I saw something that was just
17 filed today. I figured it wasn't ripe.

18 ATTY. MATTEI: Probably not. We also filed a
19 motion to compel on Friday. And our hope is that we
20 can schedule a relatively quick hearing when they are
21 ready and so we can deal with scheduling either now
22 or at the end.

23 THE COURT: You can -- you can do that with
24 Counsel in Case Flow when you're done with me. So
25 whenever it works for anyone, they have my schedule
26 there. Just remember if it's a Monday or Friday,
27 we'll do it in Waterbury; if it's a Tuesday -- except

1 for today. I'm here today, obviously. Tuesday,
2 Wednesday, and Thursday we'll do here.

3 ATTY. MATTEI: Thank you.

4 THE COURT: Okay. Does anyone have anything
5 else?

6 ATTY. SMITH: Not from the Jones defendants,
7 Your Honor.

8 THE COURT: All right. So I -- I reviewed the
9 transcripts and the affidavit and I do want to put a
10 statement on the record, and I think I'm going to
11 proceed a certain way.

12 So on March 22nd, 2019, Defense Counsel filed
13 the affidavit that indicated it was signed by Alex
14 Jones under oath, and the e-filing description
15 referred to a March 22nd, 2019, affidavit of A.
16 Jones. That was the e-file description. And the
17 attestation clause indicates that the affidavit was
18 sworn to and subscribed to on March 22nd, 2019; and
19 we learned on that same date that Attorney Pattis --
20 I'm sorry, we learned subsequently on April 10th that
21 Attorney Pattis had taken the signature and that the
22 signature was not that of Mr. Jones but of an
23 authorized representative who didn't want to be named
24 because he didn't want to be harassed. But on March
25 22nd, 2019, on the record Attorney Pattis referred to
26 the document as an affidavit from Jones.

27 The affidavit is devoid of any language that

1 would reveal that Mr. Jones' agent or employee or
2 authorized representative signed his name to the
3 document. There's no attempted power of attorney
4 language or acknowledgement or anything at all to
5 show that some other person signed Alex Jones' name
6 to the affidavit. So in the Court's opinion, the
7 affidavit is -- is invalid and is a false affidavit.

8 Affidavits are supposed to be signed by the author,
9 not surreptitiously by some other unknown, although
10 authorized, person.

11 So I am going to refer this matter to
12 Disciplinary Counsel.

13 ATTY. PATTIS: Judge, I've already self-
14 referred. I should -- you should be aware of that.

15 THE COURT: I did not know that.

16 ATTY. PATTIS: I was so taken aback by your
17 reaction and the reaction of Counsel, although I
18 stand by what I did. I take your role as Court very
19 seriously. I referred that to the New Haven
20 Committee, care of Michael Georgetti, the Friday of
21 our hearing. I've alerted Counsel to it in the event
22 they wanted to weigh in. They asked for a copy of my
23 filing. I didn't give them one because it contains
24 more information than was placed on the record.

25 But nonetheless, Judge, if I erred, the
26 Grievance Committee will tell me. I don't believe I
27 did.

1 THE COURT: All right. Well, I -- I certainly
2 am not in the practice -- I think I've said this
3 before on the record in this case, I've gone 16 years
4 without ever sanctioning an attorney and I'm sure not
5 going to start now. So my thought was that it would
6 be better left to Disciplinary Counsel to do an
7 investigation and to see what if any action should be
8 taken. I am going to make the referral, nonetheless,
9 but I am glad to hear that you did it, Attorney
10 Pattis. And I will leave it to them to figure out
11 what if anything needs to be done.

12 However, the question remains as to what if any
13 sanctions should enter as to the defendants in light
14 of the affidavit. So I assume everyone's prepared to
15 address that today.

16 ATTY. PATTIS: Judge, we did -- I don't know
17 that you're aware, but we submitted a substitute
18 affidavit --

19 THE COURT: I did see that.

20 ATTY. PATTIS: -- that was duly executed in
21 Texas.

22 THE COURT: I did see that. I did see that. I
23 did.

24 ATTY. PATTIS: Okay. And it's identical in
25 form.

26 THE COURT: What is the plaintiff's position?

27 ATTY. BLOSS: May I just have a moment, Your

1 Honor?

2 ATTY. MATTEI: Your Honor, I think without there
3 being a specific sanction as to the conduct here, we
4 filed a motion this afternoon for additional
5 depositions relating to discovery. And so I think
6 that perhaps this can be considered rather than as a
7 sanction when you consider the motion for additional
8 depositions, one of the depositions we're seeking for
9 limited discovery purposes is as to Alex Jones, and
10 issues relating to the affidavit may be germane to
11 that. But we came here today believing that this
12 issue was one between Counsel and the Court, frankly.

13 THE COURT: All right. Because there is a new
14 affidavit, as Attorney Pattis pointed out, I'm not
15 sure how that would affect your motion. I'm -- I'm --
16 - if your position is that no sanctions should enter
17 against the defendant, I'm not talking about Attorney
18 Pattis, against the defendant in light of that
19 affidavit, then I'll consider that.

20 ATTY. MATTEI: Yeah. I guess we're just -- I
21 guess we just don't know enough about the
22 circumstances under which that affidavit was made to
23 know what Mr. Jones's role may have been and if there
24 was a role that, you know, that we've -- then that
25 may be a basis for sanctioning the defendant. Based
26 on what we know right now, we weren't prepared to
27 argue that.

1 THE COURT: Well, I just looked at the
2 transcript and I took Attorney Pattis at his word
3 that Mr. Jones had an authorized representative
4 present who spoke to me and spoke with him and
5 authorized to sign it for him under the formalities
6 of an oath. I'm not sure what it is that you would
7 need to know to take a position. If you don't want
8 to take a position, that's fine.

9 ATTY. MATTEI: Yeah. I don't think we're
10 prepared to take a position, Your Honor.

11 THE COURT: All right.

12 ATTY. MATTEI: And it may be something that --
13 the investigation may determine that.

14 ATTY. SMITH: Your Honor, we simply take no
15 position as far as that goes. I think that the
16 actions that have been taken by the Court as well as
17 by Attorney Pattis will address what needs to be
18 addressed there. And I think that Attorney Pattis
19 addressed the circumstances of that and has now cured
20 what was, we would agree, an invalid affidavit.

21 THE COURT: All right. Then in light of that, I
22 am satisfied with not taking any further action.
23 What else do we need to address today?

24 ATTY. BLOSS: Can I just have one moment, Your
25 Honor? I don't -- we don't have anything else, Your
26 Honor.

27 THE COURT: All right. Anything from the

1 Defense?

2 ATTY. PATTIS: We're anxious to get the
3 depositions scheduled so that our motion can be
4 heard, Judge.

5 THE COURT: So is that being held up by trying
6 to get --

7 ATTY. PATTIS: I don't know what the delay is.

8 THE COURT: -- additional discovery?

9 ATTY. MATTEI: There hasn't been any delay. I
10 think last week you suggested, Your Honor, that we
11 might seek additional depositions given the manner of
12 discovery; we did that on Friday. If Counsel wants
13 to respond, we'd love to be back here for a hearing
14 on Thursday on that.

15 ATTY. PATTIS: Judge, that's not going to be
16 possible. Something was filed Good Friday just
17 before 5; candidly, I haven't even looked at it yet.

18 I've had other commitments and I'll be out of state
19 for most of the rest of the week.

20 THE COURT: What -- can I just ask? I know that
21 you had mentioned this last time, but what additional
22 depositions are you looking to do?

23 ATTY. MATTEI: So number one, I think we had
24 agreement last time that David Jones would be
25 deposed.

26 THE COURT: I recall that, yes.

27 ATTY. MATTEI: Okay. And then we're also

1 seeking the deposition of Mike Zimmerman, who was the
2 IT manager who has knowledge about all the data
3 retention and data storage, and we laid out in our
4 motion why we think a limited deposition of him is
5 necessary. Along with the other affiants they have
6 provided to us, who have made representations about
7 the manner in which the search was conducted. That's
8 Tim Fruge, the business operations manager; Rob Dew;
9 and Alex Jones. So what we proposed are limited
10 depositions of them on essentially the topics that
11 they raise in their affidavits and that which have
12 been presented to us. We'd like to get those --
13 those scheduled quickly as well.

14 THE COURT: All right. So why don't you all go
15 together over to Case Flow and pick a date that works
16 for everyone. So once -- you're either going to get
17 the depositions and that's going to delay things even
18 more, or you're not going to get those additional
19 depositions and then you're going to be ready to go
20 and schedule the depositions of the key people that
21 were ordered?

22 ATTY. MATTEI: That's right. And it may be,
23 Your Honor, that because we're already authorized to
24 take some corporate designee depositions that they
25 may be the same people. And then in that case, we
26 can just conflate them.

27 ATTY. PATTIS: I can say, Judge, that based on -

1 - I've now been down to Austin and gotten a chance to
2 meet a lot of these people. I suspect we'll have one
3 corporate designee for all, and that would probably
4 be Mr. Dew for all the entities. That may be
5 different than what was previously done, but that's
6 going to be my call.

7 THE COURT: All right.

8 ATTY. MATTEI: We'll schedule it, Your Honor.

9 THE COURT: All right. So why don't you go over
10 to Case Flow, then, and schedule your hearing. Have
11 a good afternoon. Take a recess.

12 ATTY. MATTEI: Thank you, Your Honor.

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14 *****

15 **(END OF TRANSCRIPT)**
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NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	APRIL 22, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of April, 2019.

Dated this 23rd day of April, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	APRIL 22, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

E L E C T R O N I C C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of April, 2019.

Dated this 23rd day of April, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

Exhibit G

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 7, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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TV, LLC:

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Representing the Defendant Cory Sklanka:

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Stamford, CT 06901

Recorded By:
Colleen Birney
Transcribed By:
Colleen Birney
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: Lafferty v Jones.

2 ATTY. MATTEI: All here, Your Honor.

3 THE COURT: All right. Just why don't you come
4 on up and identify yourselves for the record, please.

5 ATTY. STERLING: Good morning, Your Honor;
6 Alinor Sterling, Koskoff, Koskoff & Bieder, for the
7 plaintiffs.

8 ATTY. MATTEI: Good morning, Your Honor; Chris
9 Mattei for the plaintiffs.

10 ATTY. JAKIELA: Good morning, Your Honor;
11 Kristan Jakiela, Regnier Taylor, on behalf of Cory
12 Sklanka.

13 ATTY. SMITH: Good morning, Your Honor; Kevin
14 Smith for the Jones defendants.

15 ATTY. VELLTURO: Good morning, Your Honor;
16 Colleen Vellturo for Midas Resources.

17 THE COURT: All right. So tell me what motions
18 need to be adjudicated today. And I do want to just
19 state for the record what is probably clear to
20 everyone at this point. I had said a few times that
21 I thought that there was substantial enough
22 compliance. So in effect I have really extended --
23 had extended the deadlines for the defendant to
24 comply. So that would be my ruling, just for the
25 record, on the issue of the additional time to
26 comply. I understand it's not necessarily 100
27 percent complete compliance, but I think I've seen

1 enough of it at this point to afford the defendants
2 the opportunity to pursue their special motion to
3 dismiss.

4 So tell me what needs to be adjudicated today,
5 which filings.

6 ATTY. MATTEI: Okay. Your Honor, we have docket
7 entry 223. These, I believe, are from the Lafferty
8 docket. 223, that is the Jones defendants' motion to
9 compel compliance, which I think we can deal with
10 pretty quickly. The 227, which is our motion to
11 compel compliance. I believe the Court addressed 234
12 at the last hearing. We filed 235, which is ready
13 for adjudication. And we also filed 236, which I
14 think given the Court's ruling that you just stated
15 and your ruling on 234, we probably have resolved the
16 issues there.

17 THE COURT: So why don't we take up first the
18 issue -- 223 and the privilege log issue.

19 ATTY. SMITH: Yes, Your Honor. Your Honor, we
20 provided a privilege log to the plaintiffs and I
21 believe that Attorney Mattei and Attorney Pattis had
22 a discussion this morning that I was told about on my
23 way here, which I think resolves the issue, if I
24 understand the agreement.

25 THE COURT: Okay.

26 ATTY. MATTEI: Yes, Your Honor. Attorney Pattis
27 and I spoke. He agreed, and I hope this is what he

1 conveyed to Attorney Smith, that the motion to compel
2 compliance can be -- is now moot. They submitted a
3 privilege log. To the extent the plaintiffs wish to
4 claim a waiver, it would be now on us to file a
5 motion to compel disclosure.

6 THE COURT: All right. Okay. So I can cross
7 that off the list.

8 ATTY. SMITH: That's my understanding, Your
9 Honor.

10 THE COURT: All right. Then what's the next
11 matter that's ready to be adjudicated? 227 is it?

12 ATTY. MATTEI: That's correct, Your Honor.

13 THE COURT: And is there a corresponding
14 objection?

15 ATTY. MATTEI: I believe that was filed last
16 night.

17 ATTY. SMITH: Yes, Your Honor. Attorney Pattis
18 filed last evening a response to --

19 THE COURT: That's 239, right?

20 ATTY. SMITH: Yes.

21 THE COURT: And plaintiffs have had an
22 opportunity to read that?

23 ATTY. MATTEI: Yes, Your Honor.

24 THE COURT: And have you had an opportunity to
25 have any discussions after the filing of Attorney
26 Pattis's objection last night?

27 ATTY. MATTEI: I spoke with Attorney Pattis in -

1 - in general about it. My understanding as far as
2 the metadata issue, which I thought we had resolved
3 last week. I defer to Kevin Smith on whether they're
4 renewing the objection to that. But as I understood
5 it, Attorney Pattis said that if the Court is
6 inclined to require them to produce metadata
7 associated with the documents they've already
8 produced, that it would take two weeks to do that.
9 My understanding is that on that issue, we were
10 coming back here today just so they could tell us how
11 long it would take.

12 THE COURT: I -- that was my understanding as
13 well that today we were going to address how long it
14 would take to produce the metadata because I was of
15 the opinion that the metadata should be produced.

16 ATTY. SMITH: Understood, Your Honor. And I
17 think that Attorney Pattis in his filing here
18 believes that we have produced what is reasonably
19 usable, which is what the Practice Book calls for. I
20 indicated to Attorney Pattis what the Court's
21 inclination was. And so you will also note that in
22 our response we said if the Court is going to order
23 that, then we would request an additional two weeks
24 to be able to produce that.

25 THE COURT: So ordered.

26 All right. Next?

27 ATTY. MATTEI: Your Honor, in our motion we next

1 asked that the defendants clarify the source of
2 production for the documents they have produced. You
3 may remember that at an earlier hearing, we raised
4 this issue --

5 THE COURT: Well, I just want to back up for a
6 minute. You're asking for something more than the
7 Practice Book requires. Practice Book requires,
8 right, the production to be made by the party making
9 the production. You're now asking for more details -
10 -

11 ATTY. MATTEI: No.

12 THE COURT: -- where the person who's making the
13 production got the information from? No?

14 ATTY. MATTEI: No, not at all. What we're
15 asking for is clarification as to which defendant has
16 produced the documents, because what they've -- the
17 current state of the record is that they've said all
18 the Jones defendants have produced all the documents.

19 But they've also said that every Jones defendant
20 other than Free Speech Systems is dormant and active
21 and has no function. And so we are left with
22 inconsistent representations about which defendants
23 have produced documents. We believe that the reality
24 is that only Free Speech Systems has produced any
25 documents to us and that the other Jones entities
26 haven't produced any documents. The problem is that
27 they filed responses to our request for production

1 saying that they all have.

2 THE COURT: Well, I think that if the -- if the
3 responses to the request for production are -- if
4 that's the representation, the interrogatories are
5 signed off and the responses to the requests for
6 production have been made by the parties, then I
7 think that's your answer right there. Whether you
8 agree that it was properly done is a different issue.

9 But then you've got to cue that up somehow. But I
10 mean, when -- when it's filed on behalf of a party,
11 if you're now wanting to dig deeper, then you have to
12 dig deeper another way. But you've already given me
13 the answer, which is they've indicated who's filed
14 it. You may disagree with it, but --

15 ATTY. MATTEI: Except that I think they made
16 different -- other representations in court orally.
17 And so if they want to proceed on that basis, it's
18 going to make the depositions a little bit more
19 difficult. But we were just hoping to have some
20 clarification on that issue.

21 ATTY. SMITH: Your Honor, I would stand by our
22 filing. That's -- we've taken the same position as
23 the Court.

24 THE COURT: I think -- I think you stand by the
25 filing. If things were said differently in court,
26 then, you know, you can certainly inquire at the
27 depositions. But I think that what really is -- has

1 more value is what was actually produced and signed
2 off on. So if the indication was that all these
3 defendants have signed off and produced the
4 documents, then that's -- that's what you go on.

5 ATTY. MATTEI: Very well, Your Honor.

6 THE COURT: Okay.

7 ATTY. MATTEI: The next has to do with the
8 manner of production. And this is I think closely
9 related to the metadata issue. Just so Your Honor is
10 aware, so we've received tens of thousands of
11 documents, some of which are bate stamped, some of
12 which are not. The Practice Book requires that
13 materials be produced in a reasonably usable format.

14 THE COURT: Right.

15 ATTY. MATTEI: The biggest issue we see and the
16 one that may, I think, tease it out most clearly is
17 that they produced emails to us. The face sheets of
18 those emails clearly show an attachment was
19 associated with the original email, but the
20 attachment has not been produced with the email
21 itself. And so we don't know whether we've received
22 any attachment. It may -- an attachment to the email
23 may be part of the production, but if it's -- if it's
24 not conveyed to us in a way where we can associate it
25 with the email, it's completely unusable to us. And
26 so what we're asking is for a more rational
27 production that we can actually make sense of.

1 THE COURT: That doesn't seem like an
2 unreasonable request. How can you accommodate that?

3 ATTY. SMITH: Your Honor, I believe, as Attorney
4 Mattei alluded to, that will probably be resolved by
5 virtue of getting everything in the native format
6 with the metadata.

7 THE COURT: All right.

8 ATTY. SMITH: So I think that will fold into
9 that.

10 THE COURT: Let's -- okay. Let's proceed on
11 that with that hope, okay?

12 ATTY. MATTEI: Thank you, Your Honor.

13 THE COURT: Okay.

14 ATTY. MATTEI: The next issue has to do with Mr.
15 Jones's signed interrogatory responses that Attorney
16 Pattis described for the Court and which have not
17 been produced, because Attorney Pattis at the time
18 said I'm not -- I'm not satisfied with these; I'm
19 going to produce other interrogatory responses, which
20 I believe that they have. But the record as it
21 stands right now is that Mr. Jones, a party to the
22 case, signed interrogatory responses that have not
23 been produced to us.

24 THE COURT: Okay. So here's -- this is news to
25 me. So here's what I would say on that. I now
26 retract my prior comments that there has been
27 substantial compliance, good-faith, substantial

1 compliance because any interrogatory responses --
2 anything that's been produced without the client's
3 signature is really meaningless. And I say that
4 every day in every case. So the product -- the
5 responses need to be signed off by the party or
6 they're -- so tell me how you're going to solve that
7 problem.

8 ATTY. SMITH: Well, Your Honor, I think that
9 that's not what Attorney Mattei is representing here.
10 What Attorney Mattei is representing, and Your Honor
11 may recall, when we were in Waterbury --

12 THE COURT: No, I do. I don't want to -- do you
13 agree or disagree that the responses have not been --
14 it's just the interrogatory responses that need to be
15 signed, not the production.

16 ATTY. MATTEI: No. What I'm saying, Your Honor,
17 is that earlier in the discovery process, Mr. Jones
18 apparently completed --

19 THE COURT: No. I don't want to -- I don't want
20 to revisit that. I'm just trying to figure out if
21 there's consensus or not. So the interrogatory
22 responses, have you received them signed by Mr.
23 Jones?

24 ATTY. MATTEI: We've received a version of it,
25 yes.

26 THE COURT: Okay. The current version, the
27 update -- supplemental, current version has -- so I'm

1 getting -- Attorney Smith --

2 ATTY. SMITH: Yes, Your Honor.

3 THE COURT: -- is saying they have been signed.

4 ATTY. MATTEI: Correct.

5 THE COURT: So we have -- so you have signed
6 interrogatories.

7 ATTY. MATTEI: We do have them, yes, a version
8 of them.

9 THE COURT: Okay.

10 ATTY. MATTEI: What we don't have is the version
11 that Mr. Jones previously signed that Attorney Pattis
12 has described for the Court and which were responses
13 to our request for production, they simply declined
14 to produce them.

15 THE COURT: I don't see why they have to. They
16 don't -- they can -- not have to produce. If they --
17 if they're working with their client and they have a
18 set of -- first of all, I thought it was just
19 interrogatory responses that got signed, not
20 production.

21 ATTY. MATTEI: Correct.

22 THE COURT: Okay.

23 ATTY. MATTEI: But what we asked for in our
24 request for production and which the Court authorized
25 were statements like those Mr. Jones made in his
26 interrogatories, which he signed. So in essence what
27 we have is we have a party who has made a signed

1 statement about matters at issue in this case which
2 are responsive to requests for production that have
3 not been produced.

4 THE COURT: Well, you're arguing that it's a
5 signed statement, and I actually don't agree with
6 that. I think that people can work with their
7 clients, have signed versions of interrogatory
8 responses, and if they decide not to let it go any
9 further, they don't have to produce it. I don't
10 think that signing interrogatory responses makes it a
11 statement under the Practice Book. So if he decided
12 that he did not think that those were sufficient
13 discovery responses and wants to rip it up and throw
14 it in the garbage, I don't think there's anything
15 wrong with that. I think that's a normal practice if
16 you don't think that this -- just pulling on my own
17 practice, I would get responses back from my client
18 signed, and I would look at them and I would say I'm
19 not going to turn these over because this is
20 insufficient or whatever. So I would start a new
21 version. And then when I was satisfied that the
22 party had met their obligations under the Practice
23 Book and that nothing was misleading or omitted, then
24 I would produce the interrogatory responses.

25 You're pretty much saying that that's a
26 statement of Mr. Jones and should be produced, and I
27 disagree. So if those were not proper answers, then

1 he can rip them out and throw them out as far as I'm
2 concerned.

3 ATTY. MATTEI: Thank you, Your Honor.

4 THE COURT: Okay. What else?

5 ATTY. MATTEI: The employee chart. We were
6 provided with an employee chart in response to our
7 request for production that -- and which the Court
8 authorized, required a listing of all employees from
9 December 14th, 2012, to the present. What we
10 understand is that they provided us with a list of
11 current employees, not a list that covers the
12 required time period.

13 THE COURT: Okay.

14 ATTY. MATTEI: And so what we're asking for is
15 an update --

16 THE COURT: Attorney Smith, do you agree or
17 disagree that that's what was produced?

18 ATTY. SMITH: I think, Your Honor, as far as I
19 understand, it is not going back entirely to 2012.
20 We have taken that back to the clients and said we
21 need the following. And in our written response
22 here, Attorney Pattis indicates one week. I believe
23 that might be an error. I think he probably meant
24 two weeks given that we're trying to get the metadata
25 and all that within that time period. But whatever
26 the Court orders --

27 THE COURT: How long -- how long is the list of

1 employees to date?

2 ATTY. SMITH: The --

3 THE COURT: Roughly.

4 ATTY. SMITH: -- the list --

5 THE COURT: Just roughly.

6 ATTY. SMITH: Right. So presently the list is
7 like 80 of present employees. And so I don't know
8 exactly how much there would be in that going back to
9 2012. But we expect that that would be produced in
10 the course of doing this data dump for all the
11 metadata.

12 THE COURT: Does that make a difference, a week
13 or two?

14 ATTY. MATTEI: Well, on this one it does because
15 we have depositions scheduled for next week.

16 THE COURT: It's got to be done in advance of
17 the depositions. That's the problem. I mean, as you
18 can imagine.

19 ATTY. SMITH: I can imagine, Your Honor.

20 THE COURT: So what do you suggest? When is the
21 deposition that you need it for?

22 ATTY. MATTEI: The first is scheduled for the
23 15th.

24 THE COURT: So that's next -- a week from
25 tomorrow.

26 ATTY. SMITH: Yes.

27 THE COURT: So I think you've got to do it in a

1 week, at least give them 24 hours beforehand. Okay?

2 ATTY. SMITH: Yes, Your Honor.

3 THE COURT: All right.

4 ATTY. MATTEI: The sixth item I think has been
5 resolved by Attorney Pattis's response.

6 THE COURT: All right.

7 ATTY. MATTEI: And I think that that's it with
8 respect to that motion, Your Honor.

9 THE COURT: All right. What do you have next?
10 Or what do any of the defendants have that needs to
11 be adjudicated?

12 ATTY. MATTEI: So this is number 5, Your Honor.
13 This has to do with their responses to requests for
14 production relating to marketing a business
15 materials. In their response on file with the court,
16 what they've said is we have no records relating to
17 marketing specific to the Sandy Hook massacre. The
18 request for production is much broader than that.
19 And in their filing today they've clarified that we
20 have no -- you have all the marketing materials of
21 any kind that are responsive to this request.

22 I guess what we'd ask is that the request for
23 production be updated to reflect that, just as you
24 had them do previously. And the reason that's
25 important is because we've reviewed the --

26 THE COURT: I agree that it should be updated.
27 I don't think that's burdensome to update it and then

1 there can be no confusion.

2 ATTY. MATTEI: Yeah.

3 ATTY. SMITH: To -- to update as regards to
4 marketing and the analytics, Your Honor?

5 THE COURT: Right. Because the --

6 ATTY. SMITH: If we have some, yes. As a -- to
7 this point, we have provided everything. And then I
8 think that --

9 THE COURT: Right. But I think that you just
10 need to update the production response to indicate
11 that.

12 ATTY. MATTEI: That's correct.

13 THE COURT: That's it. That's not burdensome.
14 Just so there can be no confusion. All right. What
15 else does the plaintiff have?

16 ATTY. MATTEI: That's it, Your Honor.

17 THE COURT: Okay. What do the defense have? I
18 did read Attorney Pattis's comments about having
19 regular status conferences. And listen, I'm happy to
20 have them never or as often as you need them to keep
21 you on track. So I defer -- I've deferred to the
22 group of you every time. I will tell you, every time
23 you've come here, we have needed to tackle these
24 issues. So what's the thought now about the next
25 time we have to reconvene?

26 ATTY. SMITH: I suspect it should be after the
27 depositions. So I would say maybe two weeks, three

1 weeks, whatever --

2 ATTY. MATTEI: I think that's right, Your Honor.

3 THE COURT: Okay. So I leave it to you. If,
4 again, if you want to do it in Waterbury where the
5 case is now pending, look for a Monday or Friday.
6 Otherwise, a Tuesday, Wednesday, or Thursday here.
7 And honestly, I don't care where you do it; whatever
8 works for everyone's schedule is fine with me.

9 All right. Is that it for today?

10 ATTY. MATTEI: Thanks, Judge.

11 ATTY. SMITH: Yes, Your Honor.

12 THE COURT: All right. Good luck.

13

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(END OF TRANSCRIPT)

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NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 7, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 7th day of May, 2019.

Dated this 17th day of May, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

NO: UY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
		OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 7, 2019

NO: UY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
		OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

NO: UY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
		OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

E L E C T R O N I C C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 7th day of May, 2019.

Dated this 17th day of May, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

Exhibit H

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 22, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 22, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 22, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

ATTORNEY CHRISTOPHER MATTEI
ATTORNEY ALINOR STERLING
Koskoff, Koskoff & Bieder, PC
350 Fairfield Avenue
Bridgeport, CT 06604

Representing the Defendants Alex Jones; Infowars, LLC; Free
Speech Systems, LLC; Infowars Health, LLC; and Frison Planet
TV, LLC:

ATTORNEY KEVIN SMITH
ATTORNEY ZACHARY REILAND
Fattis & Smith, LLC -- Ordering Party
383 Orange Street
1st Floor
New Haven, CT 06511

Representing the Defendant Cory Sklanka:

ATTORNEY KRISTAN JAKIELA
Regnier, Taylor, Curran & Eddy
100 Pearl Street
14th Floor
Hartford, CT 06103

Representing the Defendant Midas Resources, Inc.:

ATTORNEY STEPHEN BROWN
Wilson Elser Moskowitz Edelman & Dicker
1010 Washington Boulevard
Stamford, CT 06901

Recorded By:
Colleen Birney
Transcribed By:
Colleen Birney
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: All right. This is the Lafferty
2 matter. If you could identify yourselves for the
3 record, please?

4 ATTY. MATTEI: Good afternoon, Your Honor; Chris
5 Mattei from Koskoff on behalf of the plaintiffs.

6 ATTY. STERLING: Alinor Sterling on behalf of
7 the plaintiffs, Your Honor.

8 ATTY. SMITH: Good afternoon, Your Honor; Kevin
9 Smith of Pattis & Smith on behalf of the Jones
10 defendants.

11 ATTY. REILAND: Attorney Zachary Reiland from
12 Pattis & Smith on behalf of the Jones defendants.

13 ATTY. JAKIELA: Kristan Jakiela, Regnier Taylor,
14 on behalf of Cory Sklanka.

15 ATTY. BROWN: Stephen Brown of Wilson Elser on
16 behalf of Midas Resources.

17 THE COURT: Okay. So I had reviewed some of the
18 filings. It didn't look like anything too meaty to
19 me. But looks like some of the things were
20 withdrawn. So what's on the agenda for today?

21 ATTY. MATTEI: Your Honor, the only thing for
22 today is just a few updates, which we -- we wanted to
23 keep this date because we had depositions in Texas
24 last week and we weren't sure whether we would need
25 it.

26 A few things. Number one, we had our
27 depositions last week. The plaintiffs expect to be

1 filing a motion relating to those that we'll likely
2 seek discovery based on those depositions. We
3 anticipate filing those next week, and because the
4 Defense will want an opportunity to response, we
5 would expect for those to be ready two weeks from
6 now.

7 THE COURT: So you can pick a date giving
8 yourself time to file and respond Monday or Friday in
9 Waterbury; Tuesday, Wednesday, Thursday here,
10 wherever it fits in your schedules.

11 ATTY. MATTEI: Yup.

12 THE COURT: Okay.

13 ATTY. MATTEI: We are in the process of trying
14 to schedule the remaining depositions, that of Mr.
15 Jones and also the other parties, with Defense
16 Counsel. We hope to have that done within the week.

17 And in connection with that, we are going to try and
18 agree to a scheduling order going forward. Obviously
19 the Court's original scheduling order, because of all
20 this litigation, is no longer operative. So we're
21 going to try and agree on some dates, present them to
22 the Court to take us through the hearing on the
23 motion to dismiss.

24 THE COURT: Okay.

25 ATTY. MATTEI: The defendant -- the Jones
26 defendants were obliged to provide us with metadata
27 pursuant to the Court's order yesterday. They have

1 done that. We have not had a chance to review it so
2 that we can actually inform the Court what it is and
3 whether it's sufficient and compliant with the
4 Court's orders. We're going to need about a week to
5 do that. And so our hope is that when we come back
6 two weeks from now, either we will have worked out
7 anything we need to work out with Defense Counsel, or
8 we will be informing the Court about any issues
9 relating to that production.

10 THE COURT: Okay.

11 ATTY. MATTEI: So that I think is all we have.

12 THE COURT: All right. What about the
13 defendants? Anything?

14 ATTY. SMITH: Nothing, Your Honor.

15 THE COURT: That's it? Well done. All right.

16 ATTY. MATTEI: Steve continues to wonder why he
17 comes down here for this.

18 THE COURT: So just pick a date in Case Flow,
19 and either here or Waterbury, whatever works for you.

20 ATTY. MATTEI: Thank you, Judge.

21 THE COURT: All right. Thank you very much.

22
23 *****

24 **(END OF TRANSCRIPT)**

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 22, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 22, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 22, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of May, 2019.

Dated this 29th day of May, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 22, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 22, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 22, 2019

E L E C T R O N I C C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of May, 2019.

Dated this 29th day of May, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

Exhibit I

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 5, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 5, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 5, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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Bridgeport, CT 06604

Representing the Defendants Alex Jones; Infowars, LLC; Free
Speech Systems, LLC; Infowars Health, LLC; and Prison Planet
TV, LLC:

ATTORNEY NORMAN PATTIS
Pattis & Smith, LLC -- Ordering Party
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Representing the Defendant Cory Sklanka:

ATTORNEY KRISTAN JAKIELA
Regnier, Taylor, Curran & Eddy
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Representing the Defendant Midas Resources, Inc.:

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Recorded By:
Colleen Birney
Transcribed By:
Colleen Birney
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: On the Lafferty matter, if you could
2 identify yourselves for the record, please?

3 ATTY. MATTEI: Good afternoon, Your Honor; Chris
4 Mattei for the plaintiffs.

5 ATTY. PATTIS: Good afternoon, Judge; Norm
6 Pattis on behalf of Infowars and the Jones
7 defendants.

8 ATTY. BROWN: Good afternoon, Your Honor;
9 Stephen Brown on behalf of Midas Resources.

10 ATTY. JAKIELA: Good afternoon, Your Honor;
11 Kristan Jakiela on behalf of Cory Sklanka.

12 THE COURT: And that's everyone, right? Okay.
13 So which motions need to be adjudicated?

14 ATTY. MATTEI: I think 255 and 256 are both
15 ready to go. 257 is the Jones defendants' I believe
16 consolidated response to both of those motions.

17 THE COURT: All right. So I looked at them and
18 there's no right to argument on these, but I'm going
19 to give you some -- an opportunity to just briefly
20 address the exact issue. So I don't want to have a
21 rehash of how we got here, what's transpired. It was
22 all laid out in the motions and I'm more than
23 familiar. So I basically want the plaintiff to tell
24 me why the defendant has not fully and fairly
25 complied with the discovery request. And then I
26 would like to hear from the Defense as to why the
27 Defense has fully and fairly complied with the

1 discovery request. And I want to be able to look --
2 actually look at the exact inquiries that we're
3 talking about.

4 ATTY. MATTEI: So in 250 -- motion 255, Your
5 Honor, the requests for production that are at issue
6 and that the plaintiffs maintain have not been fully
7 complied with are 14, 15, 16, and 17. And generally,
8 Your Honor, they all cover this issue of data, which
9 the Court has ordered by virtue of those requests to
10 be produced.

11 We went down to Texas in part to depose the
12 witnesses on the --

13 THE COURT: I don't -- I don't -- I just really
14 want to know how the data has not been produced.

15 ATTY. MATTEI: It hasn't -- it hasn't been
16 produced, though. What has been produced are hard
17 copy reports that the defendants chose to run which -
18 -

19 THE COURT: You said that the defendants chose
20 to run?

21 ATTY. MATTEI: Correct. Which --

22 THE COURT: But is it -- they don't have to
23 create documents here, right?

24 ATTY. MATTEI: We're not asking them to.

25 THE COURT: So this is information that you say
26 is within their possession or control.

27 ATTY. MATTEI: Which they agree.

1 THE COURT: Okay.

2 ATTY. MATTEI: And that they just haven't turned
3 over. So they have -- the Court ordered them to turn
4 over data as described in these requests for
5 production. They have access to it. They control
6 it. It's their proprietary information. Their
7 witnesses have acknowledged that. And they just
8 haven't produced the data. And so what we have
9 suggested in our motion are two ways in which they
10 might do that. One is to grant us access to the data
11 because it's hosted by a number of their partners; or
12 two, just provide the data to us and then we'll mount
13 it on our own platform and review it. But none of
14 the data that the Court has ordered produced has been
15 produced.

16 THE COURT: So can I ask you, Attorney Pattis,
17 do you agree or disagree that you're required to
18 produce the data?

19 ATTY. PATTIS: I disagree.

20 THE COURT: Okay. So that's -- I have to get to
21 that first. So what am I looking at to solve that
22 problem?

23 ATTY. MATTEI: Your Honor, go to page 4 of our
24 motion, that's 255.

25 THE COURT: Yeah. Let me just get there.

26 ATTY. MATTEI: Yeah.

27 THE COURT: That's what lays out production 14,

1 15 -- lays out the language?

2 ATTY. MATTEI: That's the language.

3 THE COURT: So let's just take them one at a
4 time. So 14 asks for all business and/or marketing
5 plans concerning you, Infowars, and/or the Jones
6 defendants for the time period at issue.

7 ATTY. MATTEI: So --

8 THE COURT: Right?

9 ATTY. MATTEI: -- 14 doesn't apply to the data.
10 I'm sorry, Your Honor. That applies to another
11 request that we've made here. So just with respect
12 to the data, Judge, you're looking at 15 and 16.

13 THE COURT: Okay. So --

14 ATTY. MATTEI: And 17.

15 THE COURT: -- let me -- all right. So, 15.

16 ATTY. MATTEI: Yup.

17 THE COURT: So Attorney Pattis, is the 35 pages
18 that was printed out from Google Analytics --

19 ATTY. PATTIS: It is.

20 THE COURT: -- entirely responsive and there are
21 no other documents?

22 ATTY. PATTIS: There are no other documents.
23 There is, however --

24 THE COURT: Data?

25 ATTY. PATTIS: -- data that exists. I know you
26 don't want to hear extensive argument. I can say
27 more about that, but that's the answer to the

1 question you've raised.

2 THE COURT: Well, so is the data that exists
3 within your possession or control?

4 ATTY. PATTIS: They have access to a database
5 that contains thousands of variables. They don't
6 rely on that database to generate reports as they
7 conduct business. The 35 pages -- I'm sorry.

8 THE COURT: Well, so -- but -- no, that's all
9 right. I'm just trying to understand it, to be
10 honest. But the production request isn't limited to
11 what you rely on to conduct business, though, right?

12 So it's asking for basically all marketing data, et
13 cetera.

14 ATTY. PATTIS: But in order to create the data,
15 you have to -- you have to make requests of the
16 machine. Give me a quarterly report for X, Y, or Z,
17 so I'm told. I see Mr. Mattei shaking his head no.
18 I can only -- I can only rely on what I've been told.

19 I don't use Google Analytics. And so to request
20 that they turn over -- that they create reports could
21 be potentially limitless. So I gave an example in my
22 brief, 100 variables to 3 decimal points is 970,000
23 reports. You know, and they -- that's simply an
24 unreasonable request.

25 I'm unaware of any testimony that supports the
26 contention that they rely upon reports of any kind or
27 even look at them except on an anecdotal basis. And

1 there were no questions asked about what those
2 reports were.

3 THE COURT: All right. Well, I don't think that
4 we generally ask parties to create documents that
5 aren't already in existence.

6 ATTY. MATTEI: We -- and we haven't asked them
7 for that.

8 THE COURT: Okay. But I'm understanding
9 Attorney Pattis saying that this would require them
10 to create reports.

11 ATTY. MATTEI: No. It doesn't.

12 THE COURT: All right. So tell me -- just tell
13 me how -- why -- why you believe that that -- that
14 they don't have to create reports.

15 ATTY. MATTEI: What we have requested is the raw
16 data itself. That data -- and what the Court has
17 authorized. That data can be manipulated and
18 presented in the form of a report. And they chose to
19 present it -- present certain data in one form in
20 those 35-page printouts they gave us. That's not the
21 data itself. The data exists in their system. We
22 want the data. The Court has ordered them to produce
23 the data. And they can either give us access to it
24 through the login that they use, or they can just
25 provide the data itself. We're not asking for
26 printouts. We're asking for the data.

27 THE COURT: I've never heard of anybody having a

1 party give them entire access, give them the log
2 information and go at it. I've never even heard
3 about that anecdotally. That seems pretty extreme,
4 doesn't it?

5 ATTY. MATTEI: We're just suggesting an
6 efficient way to go about it.

7 THE COURT: It's a suggestion I've never heard
8 of or seen.

9 ATTY. MATTEI: Okay. I suppose, though, the
10 burden is on them to produce it and to comply with
11 the Court's order and they just haven't.

12 THE COURT: I know, but I'm stuck here because
13 you're asking -- one of your suggestions is let us go
14 at it, give me their login information. And what
15 Attorney Pattis is saying that, well, that you're
16 asking me to create documents that don't exist. So
17 how do you get what you want without getting --
18 accessing their login information, or you can do it
19 yourself, but not have them create data, create
20 reports?

21 ATTY. MATTEI: They can just download the data
22 to a hard drive and we can work with them on that.
23 And then we can -- we'll have the data and we'll --
24 we'll use it. We're not asking them to generate any
25 reports of any kind.

26 THE COURT: So can I ask you, Attorney Pattis,
27 can you download the marketing data, web analytics,

1 and other web traffic data to a hard drive?

2 ATTY. PATTIS: I don't think those terms are
3 self-defining and self-explanatory. And the
4 difficulty we had -- well, it was no difficulty not
5 identifying documents; there weren't any, we gave
6 what we had. In terms of what to get out of the
7 machine, we don't know what questions they want to
8 ask. For example, are they looking for monthly
9 reports by item? I mean, and I see Attorney Mattei
10 shaking his head no. That may be he begins to
11 understand our frustration. We shouldn't be required
12 to guess. There is gross aggregate data of a sort
13 that captures apparently web traffic. And depending
14 on the interest of the user, the user can request
15 that it be configured in any number of ways by way
16 of, presumably, software. We just don't know what it
17 is because we're not using it. And so my view is
18 it's not a simple matter as simply saying here are --
19 here are -- here are the reports that have previously
20 been generated because web analytics is a custom-user
21 product, as I understand it, where you get to request
22 what it is you want from it. And they didn't ask
23 that question. They didn't ask for anything in
24 particular. Even in the motion that they most
25 recently filed, they didn't. What we get is give us
26 your system.

27 THE COURT: Well, web traffic data exists;

1 correct?

2 ATTY. PATTIS: We provided that in the gross
3 reports from '12 through '18.

4 ATTY. MATTEI: That's not accurate.

5 THE COURT: Well, I'm just -- my question is web
6 traffic data exists.

7 ATTY. PATTIS: Maybe. But again, what does that
8 mean? Web traffic data of what sort? As to --
9 directed to what period?

10 THE COURT: Well, the period of time I don't
11 think is an issue. So I'm -- if you're telling me
12 that I can't answer this question because -- which is
13 not what I understood from these briefs -- because we
14 don't know what web traffic data is, then -- then
15 it'll have to be defined, I suppose, if that's -- if
16 the defendants don't understand that term web traffic
17 data.

18 ATTY. PATTIS: I understand what web traffic
19 data means. In other words, can you trace items that
20 went over the web. But how do you select them, for
21 what period, what items? And so they say -- and it's
22 not -- they say they want -- and that's not the term
23 they used. They want all marketing data, web
24 analytics, sales analytics --

25 THE COURT: Well, I'm just focusing. I'm going
26 to just break it down because I'm a simple person.
27 So data regarding the web traffic, I --

1 ATTY. PATTIS: I don't see that request here. I
2 see a request for all marketing data, web analytics,
3 sales analytics, web traffic data. I'm reading a
4 quote from page 6 of our brief which we took from
5 their request for production.

6 THE COURT: Number 15, right?

7 ATTY. PATTIS: Right.

8 THE COURT: It talks about web traffic data.

9 ATTY. PATTIS: Concerning you, Infowars, or --

10 THE COURT: Right.

11 ATTY. PATTIS: Yeah.

12 THE COURT: So with that defining phrase after
13 it, but what they're asking for is the data regarding
14 the web traffic concerning you, Infowars, et cetera.

15 It's all -- delineated there. And I am just trying
16 to -- so I think the answer is yes, there is such
17 data regarding that web traffic. And I'm just trying
18 to figure out --

19 ATTY. PATTIS: What I'm told, and again, maybe I
20 should -- I'm going down there tomorrow afternoon to
21 address any concerns that the Court raises here. And
22 I'll be there Friday. What I'm told is it's not as
23 simple as getting onto the machine and saying, Hal,
24 give me X. You have to provide Hal with guidance.
25 And this -- I mean, effectively they appear to be
26 asking for everything in the Google Analytics package
27 because Google Analytics is a search tool that

1 interfaces with the web. And I don't think that
2 their request was give us everything that Google can
3 maintain about you. It seemed more limited in that
4 way. But based on the discovery request that was
5 tendered, I don't understand the limitations. And
6 neither do other people that have access to the
7 system.

8 THE COURT: So I'm understanding now that it's -
9 - the objection is not so much -- well, time for
10 objection has passed. That they're unable to respond
11 to it as -- as it's phrased. That's what I'm
12 understanding.

13 ATTY. MATTEI: But Your Honor, that -- but
14 that's not credible given the history here. I mean,
15 David Jones --

16 THE COURT: Well, I suppose then we've got to
17 have either a hearing or you've got to back it up
18 with, I don't know, more.

19 ATTY. MATTEI: Your Honor, may I just say?
20 David Jones was deposed on this very subject. He had
21 no confusion about what sales analytics were, web
22 analytics were. These -- the people who work for Mr.
23 Jones absolutely know what this data is because it's
24 stored on their Google Analytics platform. And it
25 can -- and the data covers a range of topics. Sales,
26 pricing, web traffic, that is hits on the website and
27 hits on the Infowars store website. And it -- and it

1 can track that against other types of data, which is,
2 for example, the time of day. And it's all right
3 there. That data is all contained and possessed by
4 them. And it is a broad spectrum of data that the
5 Court has authorized us to obtain. But there's never
6 been any question up until today that we don't know
7 what this means.

8 ATTY. PATTIS: No. That overstates the
9 testimony in the depositions. The testimony was that
10 they were aware that Google Analytics had the
11 capacity to get certain items and to track certain
12 things. That's different than saying that they have
13 these reports that they do anything other than --

14 THE COURT: So can I just ask, just to make --
15 just to ask a simple question? So has the
16 information been produced today along the lines of
17 how many hits each website has? Because I do know
18 that you can go to the simplest, right, blog or
19 website and it tells you how many hits. I'm talking
20 about --

21 ATTY. PATTIS: The 35 --

22 THE COURT: -- simple. So has that been
23 produced?

24 ATTY. PATTIS: The 35-page report talks about
25 hits to Infowars Health, I believe Prison Planet,
26 LLC, and Free Speech. And it produces gross numbers
27 I believe on an annual basis with monthly categories

1 within it.

2 THE COURT: For the hits. No.

3 ATTY. PATTIS: I see Mr. Mattei shaking his head
4 no. I don't know why. That's my understanding of
5 what it does. I read through it and provided it.

6 THE COURT: So you think that what is in that
7 35-page -- pages includes all the hits for each
8 platform or whatever you --

9 ATTY. PATTIS: It is gross number of visits, not
10 subdivided by topic or date, other than in terms of
11 years and so forth, and perhaps monthly.

12 For example, much was made in the moving papers
13 of the plaintiffs that the testimony of Dr. Jones
14 where he talked about trying to replicate spikes, and
15 the assumption was that these spikes were reflected
16 on Google Analytics. That simply wasn't the
17 testimony. They may --

18 THE COURT: Here's the thing.

19 ATTY. PATTIS: -- they had -- excuse me.

20 THE COURT: I will carefully review the filings.
21 I'll rule. But I have a very hard time believing
22 that that, as categorized by the plaintiff, broad
23 request is complied with by 35 pages. I mean, 35
24 pages just doesn't -- it's -- it's hard for me to
25 accept that.

26 ATTY. PATTIS: But suppose, Judge -- suppose,
27 Judge, you have the *Encyclopedia Britannica* on your

1 shelf and I ask you to give me a book report on -- on
2 Indian atrocities, just to pick something at random.

3 What does that mean exactly? What are you supposed
4 to look for? Suppose you sell tomahawks. Am I
5 supposed to do tomahawks -- do you put these search
6 terms in to plot something that's going to satisfy
7 this abstract interest?

8 The theory -- the plaintiffs' theory of the case
9 is that Jones and Infowars knowingly engaged in the
10 marketing of falsehoods for purposes of motivating
11 people to purchase survival gear and/or other things
12 that are consistent with a dark and conspiratorial
13 and/or paranoid view of the world. In particular,
14 they suggest that this was related to the efforts at
15 Sandy Hook. There's just no testimony to support
16 this.

17 THE COURT: But here's the thing. That's not
18 where we are now.

19 ATTY. PATTIS: Okay.

20 THE COURT: Where we are is the question and
21 whether you fully and fairly complied. So if this is
22 the best you both can do on addressing the narrow
23 issue, I'll just take it on the papers and I'll --
24 and I'll rule on the papers. I was willing to go
25 through each specific individual request without
26 going through the history of the case and such. I
27 mean, this is very simple. You have a request and

1 it's either fully and fairly complied with or it's
2 not. And I do struggle with the -- the 35 pages is
3 all we can do.

4 ATTY. PATTIS: But if --

5 ATTY. MATTEI: Your Honor --

6 ATTY. PATTIS: -- the only solution to that is
7 to give them everything that's in the database so
8 that they can manipulate it themselves, then they're
9 in fact selecting, generating, and choosing reports
10 in a manner that is prejudicial and potentially quite
11 harmful to the plaintiffs. First, it gives up the
12 business secrets and so forth. Second, it may or may
13 not provide them with information that's relevant to
14 this case. And we're here on a couple of claims.
15 You know, I think the plaintiffs' roll their dice
16 heavily on the CUTPA claim and seek to want to show
17 that there is some sort of deceptive advertising. So
18 they need marketing data so that they can attribute
19 it to our clients.

20 THE COURT: Why they need it --

21 ATTY. PATTIS: But if our clients aren't using -
22 -

23 THE COURT: But Attorney Pattis, why they need
24 it at this point, this is not what the focus is
25 today. This is not the time to --

26 ATTY. PATTIS: No. But -- but Judge, hear me
27 for a moment, please. I'm sorry. I --

1 THE COURT: No, I can I --

2 ATTY. PATTIS: -- know you've got a long docket
3 here. But here's the issue. If my clients aren't
4 using it, why should they be bled digitally to the
5 satisfaction of plaintiffs -- so that the plaintiffs
6 can say if you didn't use this, you should have. Why
7 should that happen? That's not why we have the Anti-
8 SLAPP procedure. It simply is --

9 THE COURT: All right.

10 ATTY. MATTEI: May I read you, Your Honor, a
11 portion of Dr. Jones's testimony in which he says
12 that they do precisely that?

13 THE COURT: It's attached to your motion?

14 ATTY. MATTEI: Yeah. We actually have it in
15 there where -- so the point here is, Your Honor,
16 Infowars and Free Speech Systems generates millions
17 and millions and millions of dollars of revenue each
18 year. The content that they broadcast, including the
19 content about Sandy Hook, they use to drive traffic
20 to their website. That's why we're entitled to this
21 stuff. And in David Jones's deposition, he -- he was
22 completely fluent in the type of data that they have,
23 because I asked him to describe in your affidavit
24 when you said sales analytics, what did you mean.
25 And after a lengthy colloquy, he actually went over
26 all the different types of data.

27 THE COURT: All right.

1 ATTY. MATTEI: So -- and they just haven't
2 produced it.

3 ATTY. PATTIS: Well, it's one thing to say that
4 he understood what they meant. It's another thing to
5 say that they had it. And they keep going from the
6 ability to describe something to the assertion that
7 they have it to the assumption that they use it. And
8 those assumptions we challenge.

9 THE COURT: But I -- my understanding from what
10 you're saying is that it's there, but the question is
11 --

12 ATTY. PATTIS: It's potentially there. There is
13 data that can be manipulated to produce things of
14 this sort apparently. If they don't use that
15 themselves and simply know that it exists, are they
16 required to generate it to satisfy the plaintiffs?
17 We say not.

18 THE COURT: But I suppose -- I suppose, though,
19 the question -- the production request doesn't talk
20 about the data that you use or the data you rely on.
21 It talks about the data.

22 ATTY. PATTIS: It does and it doesn't. It
23 doesn't say give us X -- it doesn't say what's said
24 here today, give us your database. It talks about
25 classes of data and requires the plaintiffs to create
26 these classes or --

27 THE COURT: No, no. But as I understand --

1 ATTY. PATTIS: Or defendants, excuse me.

2 THE COURT: -- it, you mentioned, and I'm
3 listening to what you're saying, that you want them
4 to manipulate and produce data that they -- that your
5 client doesn't even use. But the production request
6 doesn't talk about --

7 ATTY. PATTIS: No. But if they don't use it,
8 how are they -- how are they going to know how to
9 create it? In other words, I may have any -- I've
10 got 26 letters in the alphabet, but I can't write
11 Shakespeare.

12 THE COURT: So is the --

13 ATTY. PATTIS: If you tell me to produce a
14 Shakespearian sonnet, how do I do that?

15 ATTY. MATTEI: Your Honor, they do use it.

16 THE COURT: So this is a different thing,
17 though. Because now you're telling me that they
18 don't use it and you don't even know if they know how
19 to get it. So that's a different thing now --

20 ATTY. PATTIS: No.

21 THE COURT: -- as opposed to --

22 ATTY. PATTIS: It's not.

23 THE COURT: -- why should they do the reports to
24 do it. So now --

25 ATTY. PATTIS: It's not a change. It's part of
26 the same argument. The --

27 THE COURT: Do you know if they know how to do

1 it?

2 ATTY. PATTIS: Several people have testified
3 that they can look at certain things of a -- that
4 seem to resemble this. So if Mr. Fruge -- Fruge
5 talked about the ability to get in but he has limited
6 use. I quoted his deposition testimony in my brief.

7 Dr. Jones was familiar with the concepts. Mr. Dew
8 talked about getting material from YouTube, had
9 access to the -- to the Google Analytics. And then I
10 forgot who the fourth deponent was, but he also had
11 access to it.

12 I think, Judge, it would be helpful to complete
13 the discovery portion, to conduct the discovery
14 portion with respect to Alex Jones himself before
15 addressing this in any systematic way. And if that
16 requires two trips down, it does. But they've been
17 given permission --

18 THE COURT: How would that help?

19 ATTY. PATTIS: Because the testimony was that
20 this place basically operates on his whim, so to
21 speak. That he makes decisions and that those
22 decisions are largely intuitive. Dr. Jones described
23 this as essentially a one-talent shop. Others
24 described it as he'll walk in in the morning and
25 decide we're moving in X direction and everybody
26 does. The next morning they're moving in Y and X is
27 forgotten.

1 THE COURT: So you're hoping that if that's the
2 testimony, the other side will just roll over and
3 accept that as the testimony and that's -- and there
4 would be no need to -- to go this other route?

5 ATTY. PATTIS: It may or may not shed light on
6 these reports and the extent to which they are used
7 or exist. There are no regular meetings, for
8 example, of marketing plans. There are no business
9 plans. It's operated by the seat of Dr. -- Mr.
10 Jones's pants, as it were.

11 THE COURT: But that's what his testimony will
12 be.

13 ATTY. PATTIS: It is. And there's no --

14 THE COURT: It may be true, it may not be true.

15 ATTY. PATTIS: Well, it's not -- if Google
16 Analytics can generate reports, that's not going to
17 prove or disprove that hypothesis at all. There will
18 simply be reports.

19 THE COURT: But right now, the --

20 ATTY. PATTIS: And absent a nexus to activity --

21 THE COURT: But Attorney Pattis, right now the
22 plaintiff doesn't even know really if the data is
23 even there because --

24 ATTY. MATTEI: Your Honor, we do know it's
25 there.

26 THE COURT: Okay.

27 ATTY. MATTEI: And let me just interject here

1 because I think Attorney Pattis's characterization of
2 the testimony is -- is not complete.

3 THE COURT: All right. Then you know what, I
4 don't think we're getting anywhere this way. I'm
5 going to just --

6 ATTY. MATTEI: Can I just briefly read to you,
7 since Attorney Pattis has summarized some of the
8 record as he sees fit David Jones's testimony on
9 this? Can I just read a portion of it to you?

10 THE COURT: It's attached to your motion.

11 ATTY. MATTEI: I don't know if this excerpt that
12 I'm about to read is attached to it.

13 ATTY. PATTIS: Well, if that's the case, I'm
14 going to object on --

15 ATTY. MATTEI: Is it fair --

16 ATTY. PATTIS: Wait. I'm going to object to
17 reading something into the record. If we're going to
18 put the depositions in, put them all in. Because
19 what I noticed in the plaintiffs' pleadings is a
20 little bit of cherry-picking. Pick a word that works
21 and ignore the context.

22 ATTY. MATTEI: Your Honor, may I get a word in
23 here, please?

24 THE COURT: Well, why don't I do this? Why
25 don't you both -- because I'll do this on the papers
26 now. And there -- and it is -- at least portions of
27 the transcript are here. I'll give you an

1 opportunity to file -- I don't want thousands of
2 pages of transcripts. But if anybody wants to file
3 any other affidavits or transcripts, you can file it
4 and I'll review those as well as in addition to
5 what's been filed already. So if you need to brief
6 anything a little further or file any further
7 transcripts. Just make sure that you're not -- that
8 you're filing what's necessary as opposed -- so that
9 I don't miss it. You know what I'm saying?

10 ATTY. PATTIS: Understood.

11 THE COURT: And I'll be happy to look at it.
12 But I don't -- at this point, we're just going round
13 and round.

14 ATTY. MATTEI: Well, I haven't had my chance to
15 go around, but that's all right.

16 THE COURT: Well, you have. But go ahead, if
17 you want to say -- and then I'll give Attorney Pattis
18 another chance and we just don't seem to be moving in
19 the right direction. But go ahead. Just don't --
20 don't quote from the transcript. Just file it,
21 because I'll read it.

22 ATTY. MATTEI: I just want everybody to
23 recognize that there is a Court order in place that
24 the data and the language that has already been
25 approved by the Court be provided to us and we have
26 not been provided with any of it. And everybody
27 agrees it exists.

1 THE COURT: And then respond to Attorney
2 Pattis's position that they don't know if they know
3 how to do it. I mean, I think his exact words were,
4 we don't use it and so we don't -- and we don't know
5 how to do it.

6 ATTY. MATTEI: That's not true.

7 THE COURT: But that's what Attorney --

8 ATTY. MATTEI: That wasn't the testimony. The
9 testimony is we do have access to it, we do know what
10 data is in there. There is discrepancy in the
11 testimony about how often they use it, therefore what
12 purpose. But there's no question. It is undisputed.

13 THE COURT: So you're -- you're -- so what is in
14 this record in your mind establishes that they have
15 access to it and they know how to access it?

16 ATTY. MATTEI: You agree with that, right?

17 ATTY. PATTIS: I agree that they have access to
18 Google Analytics.

19 THE COURT: And they know how to -- they know
20 how to access it. They know how to do it.

21 ATTY. PATTIS: I don't know what the it is. I
22 don't want to sound like Bill Clinton responding to
23 Monica Lewinsky. But you know, I mean, they can get
24 some things out of it. I don't know how much they
25 know how to use. I think that Mr. -- I mean, I
26 quoted Mr. Fruge's deposition transcript at some
27 point about the extent of his knowledge. And it's

1 limited, or so he says.

2 ATTY. MATTEI: And we're not relying on their
3 expertise. We just want the data.

4 ATTY. PATTIS: And we don't want to give them
5 the raw data to play with as they will because every
6 time they get information about it, as -- the day
7 after this motion was filed, there's another story on
8 CNN about the pleadings in this case and how the
9 business is operated.

10 THE COURT: All right. So you don't want to
11 give them all the -- you don't want to give them all
12 the raw data and you don't want to generate reports.

13 So your position is it's the 35 pages and that's it,
14 because we don't want to give them the access --

15 ATTY. PATTIS: I may have read the request too
16 narrowly. I read the request as follows: give them
17 the reports you have, which we did. That report was
18 generated at the request of Texas counsel. I had it;
19 we gave it. Do I give them access to reports that we
20 don't generate, that we don't use, that we may or may
21 not look at on an ad hoc basis? I didn't read the
22 report as saying that because I wouldn't even know
23 how to identify what those reports are, and there's
24 nothing in the depositions that permits me to do
25 that. So at some level, I'm going to be going back
26 to my client saying this is what I think they mean,
27 so let's have it. And that's not -- that's not a

1 fair discovery request, in our view.

2 ATTY. MATTEI: The issue of reports is totally
3 irrelevant. We didn't ask for reports. The Court
4 didn't direct them to give us reports. It's the
5 data. That's what we are entitled to.

6 ATTY. PATTIS: It may be that --

7 ATTY. MATTEI: We don't want them to choose
8 which reports to run so that they can shade the data
9 in whatever way they want. We want the data and we
10 think we're entitled to it.

11 ATTY. PATTIS: Perhaps Mr. Mattei and I should
12 both review a Google Analytics handbook or something,
13 because I'm not sure -- I'm told it's not that
14 simple. I'm told that you just can't say to Hal,
15 give me marketing data, and stuff spits out, self-
16 executing. I'm just not sure. I'm told it's not
17 that simple. I don't know.

18 THE COURT: Well, I suppose we can have -- and
19 that probably is the issue because your suggestion
20 was, you know, they can download the data to a hard
21 drive. Attorney Pattis's position is I don't -- I
22 don't know --

23 ATTY. PATTIS: I'm told that it's an
24 overwhelming, that there are thousands of variables
25 that are kept as bytes, as digital -- as digital
26 units. And those digital units can be characterized
27 in any number of ways within the tolerance of the

1 program. I don't know enough about that program. I
2 don't know that you can say give me all marketing
3 data. I just don't know that you can do that and get
4 a meaningful response.

5 ATTY. MATTEI: All of the -- all ecommerce
6 businesses, Your Honor, virtually use Google
7 Analytics because it tracks all of the data that
8 would be relevant to a business. Revenue, pricing,
9 trends in traffic, profit margin in particular
10 products over time, inventory. It's broad. So
11 that's why the request is broad and that's what was
12 approved. So our -- and that's all Google Analytics
13 does. It doesn't track how many phone calls your
14 office has made. It's all related to the revenue-
15 generating piece of the business. And that's what we
16 sought. That's what Google Analytics is. That's the
17 data that's contained there. And that's what we
18 haven't received.

19 ATTY. PATTIS: I'm told it's not that simple.
20 And we're not -- we don't feel that we're obliged to
21 -- to empty our vein at the plaintiffs' request and
22 give them the data to do with as they choose.

23 THE COURT: All right. Do you want me to decide
24 on the filings to date or do you want an opportunity
25 to file anything further?

26 ATTY. PATTIS: Well, so Judge, the situation --
27 I'm heading down tomorrow. I didn't -- there are

1 requests to admit that were filed that I need to
2 discuss with folks down there. I believe there are
3 256 and I'm going to go down and work on that. If
4 the Court is going to make a ruling requiring
5 additional work from the folks, I'll be there for a
6 couple of days.

7 THE COURT: I'm not requiring it. I'm just
8 offering it in case anybody wants to supplement it
9 with an --

10 ATTY. PATTIS: No, no. I mean, if you were
11 going to -- if I'm going to have further instructions
12 in terms of discovery in the form of orders of this
13 Court, I'll be down there with the ability to --

14 THE COURT: As much as I'd like to be able to
15 deliver on this sooner rather than later, I'm not
16 even going to get to this in the next couple days, so

17 --

18 ATTY. PATTIS: Then I would request permission
19 to submit some supplemental papers.

20 THE COURT: So just give me a date that you want
21 me to go in and I will go in and read the filings to
22 date, anything supplemental, and I'll rule. I don't
23 have a problem doing that.

24 ATTY. PATTIS: Monday?

25 ATTY. MATTEI: We can do it by Monday, Judge.

26 THE COURT: Okay.

27 ATTY. MATTEI: Today is Wednesday? You know,

1 just so you know, we have tentatively scheduled Mr.
2 Jones' deposition for July 1. And we absolutely feel
3 like we need this in order to depose him, both in his
4 capacity -- his personal capacity, but also he's been
5 offered as the corporate designee for each of the
6 corporations. And that's why it's a little bit
7 frustrating in that we've had an order for this stuff
8 for months now.

9 THE COURT: I understand where we're at.

10 ATTY. PATTIS: But on the other hand, Judge,
11 that's crying foul when they haven't played the game
12 fully. They had an opportunity to take an hour's
13 worth of discovery-related deposition of Mr. Jones
14 when we were last down there and chose not to do it.

15 ATTY. MATTEI: Your Honor, there were some other
16 issues besides the data.

17 THE COURT: All right. Well, I'm going to go in
18 Monday sometime noon or after. So just get your
19 filings in by the morning.

20 All right. What else do you have?

21 ATTY. MATTEI: Well, during the depositions, it
22 became clear that one of the individuals who was
23 tasked with conducting the searches searched for
24 material only over their email server and not in the
25 remainder of the network where certain of this
26 material would be expected to be found. And so on
27 page -- where are we now -- page 12 of motion 255, we

1 ask that the Court direct them to, in essence, search
2 the remaining area of their network that as of yet
3 has been unsearched for certain materials.

4 ATTY. PATTIS: Now, I attended those depositions
5 too and I heard it somewhat differently. I heard
6 that they searched where their electronic data is
7 stored, and then that many people work off of devices
8 of their own. And they asked each of those persons
9 to search those devices.

10 ATTY. MATTEI: This has nothing to do with
11 devices. This has --

12 ATTY. PATTIS: May I finish? I didn't hear that
13 there were shadow networks or networks that are
14 unsearched. Now, it may be that I just don't know
15 enough about electronic communications and I'll have
16 to defer to Mr. Mattei on that. But I didn't hear
17 that there were unsearched networks. I just didn't
18 hear that.

19 ATTY. MATTEI: Well, it's laid out right in our
20 brief. And we cite Mr. Zimmerman's testimony on
21 that.

22 ATTY. PATTIS: I don't see that, either. I see,
23 again, speculative inferences and wishes that may be
24 right, but I don't see proof.

25 ATTY. MATTEI: So that's -- that's one issue,
26 Your Honor.

27 THE COURT: Where -- so that's at page -- what

1 page?

2 ATTY. MATTEI: This is --

3 THE COURT: Zimmerman, 13.

4 ATTY. MATTEI: Yeah. This is -- if you're
5 looking at 11 and 12, pages 11 and 12.

6 THE COURT: I'm just not understanding how you
7 can't be on the same page as to what was said at the
8 deposition.

9 ATTY. MATTEI: I'm not either.

10 THE COURT: I mean, either --

11 ATTY. PATTIS: Me neither.

12 THE COURT: -- either, you know, either just the
13 email server was searched or, you know, personal
14 devices were searched as well. I mean, what was
15 searched should be black and white. So how --

16 ATTY. PATTIS: My understanding is that they
17 searched for their electronic documents. I'm not
18 sure -- I don't recall Mr. Zimmerman saying I
19 searched some and not others. And I may be wrong
20 about that. And I'll certainly be happy to inquire
21 when I'm down there this week, Judge. I'll candidly
22 tell you, I sent this request down there to ask about
23 it and I don't have a response yet.

24 ATTY. MATTEI: Your Honor, so --

25 THE COURT: Well --

26 ATTY. MATTEI: -- they have a number of --

27 THE COURT: I just want to just interrupt you

1 for a second.

2 ATTY. MATTEI: Sure.

3 THE COURT: If Attorney Pattis is willing to
4 follow through on that and confirm what was served,
5 what's wrong with proceeding --

6 ATTY. MATTEI: Your Honor, the whole purpose of
7 these --

8 THE COURT: What was searched.

9 ATTY. MATTEI: -- the whole purpose of these
10 depositions was to establish that fact. We've done
11 that. And now what he's saying is let me go back
12 down to Texas and clarify the witness's testimony
13 about this.

14 ATTY. PATTIS: No, that's not it.

15 ATTY. MATTEI: So I'll just read to you, and we
16 cite this. We have a QuickBook server. This is Mr.
17 Zimmerman. Do you have an application for
18 accounting. Yes. I'm sorry, we have QuickBooks
19 server. That was not searched. Just the email
20 server. I'm sorry.

21 ATTY. PATTIS: May I look at the deposition
22 transcript and read over Mr. Mattei's shoulder?

23 ATTY. MATTEI: This is 39. Do you have an
24 application for accounting? Yes. I'm sorry. We
25 have a QuickBooks server. Do you have an application
26 for order processing? We do, but that is not
27 something that is managed by the IT Department. So

1 that exists on the Free Speech System hardware
2 servers, is that right? Not to my knowledge. Okay.

3 I believe that's -- this is the answer. I believe
4 that's all software. Software is a service, much
5 like Gmail. You don't have your own mail server at
6 home. You have access through a website.

7 So what he said is we have access to these
8 domains that contain our information and we didn't
9 search it.

10 ATTY. PATTIS: That's not what he said. He said
11 there -- they are maintained by some offsite
12 services. But the depositions were far from thorough
13 and that may have been a --

14 THE COURT: I wonder if you can just -- why not
15 clarify this by way of an affidavit from him?

16 ATTY. MATTEI: Well, we've received, you know,
17 Your Honor, a half dozen affidavits in this case and
18 they --

19 THE COURT: All right. This -- listen. This
20 particular issue, what's the harm?

21 ATTY. PATTIS: Judge, may I -- one of the
22 problems --

23 THE COURT: We have to go on what they testify -

24 -

25 ATTY. PATTIS: -- one of the problems is that
26 the Jones defendants are under digital assault, to
27 sound a little dramatic here.

1 THE COURT: Say again, under?

2 ATTY. PATTIS: They're under digital assault.
3 Certain banks refuse to do business with them.
4 They've been de-platformed by internet service
5 providers.

6 THE COURT: But that has nothing to do with
7 these discovery issues..

8 ATTY. PATTIS: It does, actually. Because if
9 you're maintaining -- for example, you've de-
10 platformed me and I've -- you've relied upon your
11 archives for my stuff and I no longer have access to
12 your stuff, I'm not getting it. They've had some
13 problems with Google. I provided in discovery a
14 preservation letter that distant-removed counsel sent
15 to Google upon becoming aware of litigation. We
16 don't have access to all this stuff.

17 THE COURT: So why can't you clarify by way of
18 an affidavit what Zimmerman -- have Zimmerman
19 identify what he searched and what he says he doesn't
20 have access to to search, and that will -- because
21 you're not agreeing -- you're interpreting his
22 deposition testimony two different ways.

23 ATTY. MATTEI: Your Honor, I think the
24 deposition testimony is pretty clear. They have --

25 ATTY. PATTIS: I sat through them and they
26 weren't.

27 ATTY. MATTEI: -- they have cloud-based, like

1 almost every business that operates today, cloud-
2 based software that contains the -- that they utilize
3 on a daily basis and they did not search it.

4 THE COURT: So -- so tell me exactly what your
5 position is that he didn't search. The cloud-based
6 software.

7 ATTY. PATTIS: What software? Who owns it?

8 THE COURT: Well, I just -- let him have an
9 opportunity. Just tell me specifically what it is
10 that he didn't search.

11 ATTY. MATTEI: Yup. So the only -- the only
12 places that they did search, let's start there.

13 THE COURT: No, I don't want to know where he
14 searched. I want to know -- because --

15 ATTY. MATTEI: Your Honor, they have almost a
16 dozen partners that they partner with that host their
17 cloud-based stuff. So I can't go through each of
18 them right now. It would take me some time.

19 THE COURT: Well here's how you can do it. File
20 something by Monday morning that lists where you
21 think Zimmerman didn't search. And then Attorney
22 Pattis can respond. And he can -- and you can just
23 number it, 1 through 50. And he can respond, 1,
24 done, you know, however you want to do it, 2, cannot
25 do that. Whatever. And let's at least get on the
26 same page because --

27 ATTY. MATTEI: That's fair, Judge.

1 ATTY. PATTIS: That is fair. Because I think
2 what Mr. Mattei's last comments --

3 THE COURT: Maybe you could do it by --

4 ATTY. PATTIS: -- shed some light on this
5 controversy.

6 THE COURT: Maybe you could do it by
7 correspondence first.

8 ATTY. PATTIS: I would prefer to do it that way.

9 THE COURT: Maybe you can narrow it.

10 ATTY. PATTIS: Because what happened, apparently
11 the plaintiffs went through the various media
12 presentations. When they found a cookie on the page,
13 they asked questions about them. Many of these are
14 expired cookies or things that they hadn't used or
15 years or no longer have access to. But a list of
16 those will help and then we'll just go. And if I get
17 an email from Mr. Mattei, I will take it up
18 informally. And if he requires that I file
19 something, I will.

20 THE COURT: All right. Next?

21 ATTY. MATTEI: During the depositions, witnesses
22 testified that Free Speech Systems had business
23 relationships with a series of other entities that
24 they had not previously acknowledged, even though --
25 this is on now page 11, request for production number
26 7 -- had sought documents concerning those
27 relationships. And so we have asked -- we have

1 essentially, now that they have acknowledged that
2 those relationships exist, we renew our request for
3 documents concerning them.

4 I don't know that we need to take that up ad
5 nauseam today.

6 THE COURT: Did you want to respond to that,
7 Attorney Pattis?

8 ATTY. PATTIS: Briefly. I did make requests for
9 contracts and was told there weren't. However, I do
10 recall testimony of Dr. Jones in the hearing that
11 suggested there may be some written contracts in some
12 location that I don't know if it was -- maybe it's
13 too much to say offsite. And that's one of the
14 issues I'll be taking up when I go down there. You
15 know, there are a number of entities. I can only
16 offer what my clients give me, but I take Mr.
17 Mattei's point that I need to ask some further
18 questions on that topic based on the Jones -- the
19 Jones deposition.

20 THE COURT: All right. So that issue we will
21 readdress at the next court hearing. That may solve
22 itself. And if it doesn't, then I'll take it up.

23 Just give me one moment, please. Okay.

24 ATTY. MATTEI: We asked for business marketing
25 plans. The depositions revealed that they had not
26 used what we think would be reasonable search terms
27 designed to generate a response. And so we simply

1 asked that they run searches for specific search
2 terms. Those requests are on page 9 and 10 of our
3 brief, Judge.

4 THE COURT: So you --

5 ATTY. PATTIS: And we object to that on the
6 grounds that the testimony is there aren't any. And
7 running a search term for something you know isn't
8 there is just futile. And at some point, the Court
9 has to say this is limited expedited discovery to get
10 a First Amendment motion heard, and enough is enough.

11 THE COURT: So -- so you're not satisfied with
12 the defendants' representations that there -- we have
13 no business or marketing plans? You want them to
14 search for something that they say doesn't exist?

15 ATTY. MATTEI: Well, first of all, we've only
16 deposed four people, right?

17 THE COURT: Well, when you depose Mr. Jones and
18 you ask him and he says there's none, so you're still
19 going to want them to --

20 ATTY. MATTEI: Mr. -- Mr. Jones actually said
21 that they do have business plans. They may not
22 necessarily be written, right. But my -- our only
23 point is they claim that they don't have any business
24 plan and -- but the one search term they never used
25 to search for a business plan is business plan. They
26 claim not to have any marketing plans; they never
27 searched for the term marketing plan.

1 ATTY. PATTIS: But Judge, that's like telling me
2 to go home and search for Jimmy Hoffa's body in every
3 room of the house including the closets. He's just
4 not there. I never -- I have no reason to believe
5 he's there, never saw him, don't know him. And at
6 some point this becomes abusive a discovery process.
7 My clients say there is none. They've not deposed
8 the man. And what Dr. Jones actually said in his
9 deposition is it's basically whatever Alex decides on
10 a day-to-day basis. Let them ask Alex Jones about
11 it.

12 THE COURT: Yeah. I agree.

13 ATTY. PATTIS: And in the alternative, Judge, we
14 have asked --

15 THE COURT: I agree.

16 ATTY. PATTIS: -- for some sort of demonstration
17 of good faith basis to pursue this. Do they have
18 somebody that's telling them this stuff, because we
19 don't know where it's coming from.

20 THE COURT: So I don't -- I just hope that we
21 can stay on point here. So I think just like any
22 other case when the response is we have none, we
23 don't then get to just disregard -- unless you have
24 some, you know, a good faith basis and some evidence
25 that in fact the documents do exist, I think that you
26 have to be satisfied with the answers under oath.
27 And no such documents exist is a proper response.

1 Now, god forbid it turns out that such documents
2 exist or you have some reasonable basis to believe
3 that there are such written documents, then -- then
4 that's a different story.

5 ATTY. MATTEI: Well, candidly, I don't think
6 that we should be put in the position of having to
7 rely on the statements of a few employees of this
8 organization when the central allegation --

9 THE COURT: But you're going to talk -- you're
10 going to take Mr. Jones's deposition. So why don't
11 you see how it goes there and then you could always -
12 - but this case is like no other -- it's no different
13 than any other case. When the defendant or the
14 plaintiff says no such documents exist, you don't
15 have to have a search. You take them at their word.

16 Unless you have a reasonable -- you know, a good
17 faith reasonable belief based on some other
18 information that such documents do exist. And then
19 file a motion, file the appropriate motion.

20 ATTY. MATTEI: Your Honor, the next issue is Mr.
21 --

22 THE COURT: In that case, it wouldn't be to have
23 them conduct a futile search. It would be to
24 sanction or whatever.

25 ATTY. MATTEI: I mean, Your Honor --

26 THE COURT: This is just full and fair
27 compliance. And sometimes the answer is going to be

1 it doesn't exist.

2 ATTY. MATTEI: Fair enough.

3 THE COURT: That's a solid answer right now.

4 ATTY. MATTEI: Okay. Okay. We also have Alex
5 Jones's phone, okay?

6 THE COURT: Alex --

7 ATTY. MATTEI: Alex Jones's phone. It has not
8 been searched as far as we are aware. It was never
9 searched.

10 THE COURT: Well, Attorney Pattis would know,
11 right?

12 ATTY. PATTIS: I thought his emails had been and
13 they were maintained on his phone. So maybe I'm not
14 on the same page as Mr. Mattei. But let me tell you
15 what I've done since this issue arose. I took it to
16 mean that they wanted additional -- they wanted a
17 search for a -- broader than emails on his phone.
18 And I made a request -- and they wanted the native
19 data. I wanted to avoid that as well. So I spoke to
20 Mr. Zimmerman and said can you get us the native data
21 of everything on his phone. And he's not sure he
22 can. As of Tuesday, he was trying to find a way to
23 do so because they don't maintain a server for his
24 phone. It's maintained by some third party.

25 THE COURT: So I don't understand. Has his
26 phone be searched yet to respond to these --

27 ATTY. PATTIS: For emails, yes.

1 THE COURT: -- discovery requests? Well, that's
2 -- listen. I'm sure you've all been texting since
3 you've been here.

4 ATTY. PATTIS: Well, maybe I'm misunderstanding
5 because I see Mr. Mattei scorning my response. I'm
6 not trying to be deceptive. He uses email on a very
7 limited basis. He accesses email by way of a phone.

8 That phone presumably keeps a record of the emails
9 that he accesses. We have provided them with all of
10 the emails that -- that respond to his -- that
11 correspond to his username. If those just came off
12 the server and not the phone, if that's what Mr.
13 Mattei is saying, I didn't hear it that way. But
14 I'll make an inquiry.

15 ATTY. MATTEI: These are two totally separate
16 issues.

17 THE COURT: I'm just trying to figure out if the
18 defendants' position is that with respect to whatever
19 data or information is on his personal phone that
20 you're in compliance with the requests for disclosure
21 and productions that have been filed. It's either a
22 yes, we are, or no, we are not.

23 ATTY. MATTEI: Your Honor --

24 THE COURT: No. I just want to ask Attorney
25 Pattis. It's not that complicated. So --

26 ATTY. PATTIS: It apparently is to me and I
27 don't mean to be the only idiot in the room.

1 ATTY. MATTEI: Well, let me summarize what the
2 testimony on this has been. May I, please?

3 THE COURT: Listen, we can't -- I just don't
4 want you interrupting each other. I just am trying
5 to get --

6 ATTY. PATTIS: Judge, I will --

7 THE COURT: -- an answer.

8 ATTY. PATTIS: -- defer to Mr. Mattei. I've had
9 cases with him when he was in the US Attorney's
10 Office. I trust him. If I'm missing something, I
11 want to know what it is because I don't want to come
12 back here for another round of this.

13 THE COURT: Okay.

14 ATTY. MATTEI: Before we went down to Texas, the
15 affidavits that had been submitted were that David
16 Jones was responsible for searching Alex Jones's
17 personal devices, both his computer and his phone.
18 Not just for emails, but for any responsive
19 materials. We get down to Texas, we depose Dr.
20 Jones. He says I never searched Alex's phone. The
21 computer was searched. Any emails that were
22 responsive I believe were generated from the search
23 of the computer. They may also exist on the phone, I
24 don't know. The device of the phone, the current
25 state of the record is, has not been searched for
26 anything.

27 THE COURT: According to David Jones' testimony.

1 ATTY. MATTEI: Correct.

2 THE COURT: Well, that seems --

3 ATTY. MATTEI: And the other witnesses said that
4 they didn't search it either.

5 THE COURT: Well, that seems, like, pretty
6 straightforward based --

7 ATTY. PATTIS: What are they looking for on the
8 phone other than the emails? I don't understand
9 that.

10 THE COURT: Whatever is responsive to the
11 interrogatories and requests for production. So I
12 think it's got to be done, searched, and whatever is
13 responsive, if it's --

14 ATTY. PATTIS: I'll look into it, Judge.

15 THE COURT: Okay. That was an easy one. What's
16 next?

17 ATTY. MATTEI: Can we have a timeframe on that
18 production, because it's -- this is a computer just
19 like any other computer that should have been
20 searched.

21 ATTY. PATTIS: I need two weeks. It takes a day
22 to travel each way. I'm down there twice in the next
23 month and then again for a deposition. I've got -- I
24 was just served ten days ago or two weeks ago with
25 256 requests to admit which requires me to review
26 some 26 videos and -- ranging in length from a half
27 an hour to more.

1 THE COURT: The only thing I would say, Attorney
2 Pattis, is I just don't want to hear any more
3 comments at all in writing or in person about how
4 things are dragging out or taking too long --

5 ATTY. PATTIS: Judge, we will comment because we
6 think it's fair commentary.

7 THE COURT: No. Attorney Pattis, let me just
8 finish. This is something that should have been done
9 long ago, the search of the phone, his personal
10 phone. Okay? So you're a day late and a dollar
11 short on the search of the personal phone. So I
12 don't have a problem personally with giving you the
13 two weeks. You asked for two weeks. Personally, I
14 have no problem with that at all, even though it's
15 something that your client should have done to
16 respond before. What I don't want to hear and I'm
17 not going to hear is complaints that things are
18 dragging out too long, because if his phone had been
19 searched in a timely manner originally, we wouldn't
20 have to push this another two weeks. So --

21 ATTY. PATTIS: I'm not altogether sure it has
22 not. But I will certainly find out.

23 THE COURT: But according to Mr. Jones's
24 testimony under oath --

25 ATTY. PATTIS: Read the depositions, Judge.
26 Look at the way the questions were asked. Look at
27 the lack of follow-up. Look at the number of

1 dangling modifiers. Look at the number of times a
2 general topic was asked and then walked away from
3 when a specific answer was required.

4 THE COURT: All right. I thought -- I thought
5 that you agreed with the rendition of Mr. Jones'
6 testimony that the phone had not been searched.

7 ATTY. PATTIS: That he had not searched it.

8 ATTY. MATTEI: That he had not searched it.

9 ATTY. PATTIS: That he had not searched it.

10 ATTY. MATTEI: And that everybody --

11 THE COURT: And he was the one --

12 ATTY. MATTEI: -- believed he was the one who
13 had done it. And so if he didn't do it, we don't
14 know who did. And we don't know whether it was
15 searched at all.

16 ATTY. PATTIS: Well, that way --

17 ATTY. MATTEI: And apparently neither does Mr.
18 Pattis.

19 ATTY. PATTIS: No, that's not -- that's not
20 quite accurate. Mr. Zimmerman was the first deponent
21 done, and I believe David Jones was the third or the
22 fourth. And by the time -- and I think we relied on
23 an affidavit which we came to find out wasn't
24 entirely accurate in the course of the deposition,
25 and Mr. Zimmerman was not re-deposed and no questions
26 were posed to him. I will meet with Mr. Zimmerman in
27 Texas this week and find out what happened there.

1 THE COURT: I just don't think it should be that
2 complicated. There's a small universe of people who
3 would have searched the phone. And it's not that
4 complicated to find out who if anyone searched the
5 phone.

6 ATTY. PATTIS: I was led to believe it had been.
7 The reason that the plaintiffs were given the
8 opportunity to conduct the discovery was to find out
9 whether those beliefs were --

10 THE COURT: So why don't we just do this,
11 Attorney Pattis? Rather than punt two weeks now on
12 this issue, let's pass it, make a phone call. You
13 may be 100 percent right.

14 ATTY. PATTIS: I can't get in touch with anybody
15 on short order down there. That's unreasonable. I
16 just can't do it. I mean, I've been involved in this
17 case for a number of months. I have to travel down
18 there to get things done. And I'm not --

19 THE COURT: This should be something that's, you
20 know, very easy to find out. Has the phone been
21 searched or not. If it's been searched, then that
22 puts the whole issue to bed.

23 ATTY. PATTIS: I will make the inquiry. Whether
24 I succeed in making contact is an open question.

25 THE COURT: What else?

26 ATTY. MATTEI: That, I think --

27 ATTY. PATTIS: There is a question of the

1 Zimmerman email.

2 ATTY. MATTEI: Yeah. Attorney Pattis -- so what
3 we were after is the email that went out apparently
4 to the employees instructing them on a -- to search
5 their devices. We're just asking for that email so
6 we can know what went out and what was asked to
7 search for. I think Attorney Pattis has agreed that
8 --

9 ATTY. PATTIS: I'm told they already have it in
10 the metadata thing, but the metadata is hard to read.
11 I've been in touch with Mr. Fruge who gave me the
12 wrong document. I was in touch with him again this
13 morning, told him I need it; he said he'd send it.
14 For all I know, I have it right now, but I don't know
15 that. And I've asked for the metadata with that as
16 well.

17 ATTY. MATTEI: That was all that issue. If we
18 get it, it's fine. The remaining request, Your
19 Honor, is motion 256. This relates just to the
20 metadata associated with the emails that Mr. Jones
21 produced. We have not been given that. We were
22 given metadata pursuant to the Court's order with
23 respect to every other document.

24 ATTY. PATTIS: And we're working on that, Judge.
25 That's not maintained on a server within their
26 dominion and control. They have to go to a third
27 party apparently to get that. And I've discussed

1 that. You may know otherwise, but I don't.

2 ATTY. MATTEI: yeah. I can walk you through
3 that. But you're not objecting to us having it?

4 ATTY. PATTIS: I think we didn't give it to you
5 and that was an oversight and I'm looking for it.

6 THE COURT: I'm glad I could be helpful on that
7 issue.

8 ATTY. PATTIS: I'm sorry?

9 THE COURT: I said I'm glad I could be helpful
10 on that issue. You resolved it.

11 ATTY. PATTIS: It's the decisive look that I got
12 there. I've learned to keep my mouth shut, Judge.

13 ATTY. MATTEI: So how are we going to then find
14 out whether this phone was searched?

15 ATTY. PATTIS: I'm going to put a call in to
16 Zimmerman. If I can reach him today, I'll find out.

17 If I can't, I'll be seeing him on Friday and I'll
18 contact Mr. Mattei. We're not in daily touch, but
19 we're in regular touch, much to my pleasure.

20 THE COURT: What else?

21 ATTY. MATTEI: That's all I have, Judge.

22 THE COURT: All right.

23 ATTY. PATTIS: Judge, in our motions we
24 suggested we'd like permission to do a little bit of
25 discovery ourselves to get the other side to name who
26 if anyone is giving them these ideas about marketing
27 plans and data.

1 THE COURT: I'll take that up on the papers.

2 ATTY. PATTIS: And then also we'd like to have
3 them be directed to find out who's financing this
4 because --

5 THE COURT: Right. I read -- Attorney Pattis, I
6 read it. No right to argument on that issue. I
7 don't need help on that issue. And I'll -- I'll
8 issue that --

9 ATTY. PATTIS: My client would like me to be
10 heard today for these purposes because --

11 THE COURT: All right. Attorney Pattis, listen
12 to me carefully. I'm trying to be polite.

13 ATTY. PATTIS: I always do.

14 THE COURT: Okay. I'm going to take that issue
15 on the papers. There's no right to argument on that
16 issue and I will rule today on that issue for you.
17 Okay? But you can tell your client that there's no
18 right to argument on that issue and I'm not extending
19 -- I'm denying your request for argument, politely.

20 ATTY. PATTIS: And I will politely tender his
21 objection on the grounds that when his --

22 THE COURT: All right. Attorney Pattis --

23 ATTY. PATTIS: -- information on the business
24 finds itself --

25 THE COURT: -- I think we're done.

26 ATTY. PATTIS: -- in the press to his economic
27 detriment --

1 THE COURT: We're done for the day.

2
3 *****

4 (END OF TRANSCRIPT)

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 5, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 5, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 5, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 5th day of June, 2019.

Dated this 7th day of June, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 5, 2019

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SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
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v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 5, 2019

E L E C T R O N I C C E R T I F I C A T I O N

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Dated this 7th day of June, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

Exhibit J

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 18, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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 ATTORNEY WILLIAM BLOSS
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 Speech Systems, LLC; Infowars Health, LLC; and Prison Planet
 TV, LLC:

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Recorded By:
 Colleen Birney
 Transcribed By:
 Colleen Birney
 Court Recording Monitor
 1061 Main Street
 Bridgeport, CT 06604

1 THE COURT: We're here on Lafferty v Jones.
2 It's a Waterbury case, UWY-CV18-6046436, and the
3 related matters. If Counsel could identify
4 themselves for the record, please?

5 ATTY. MATTEI: Good afternoon, Your Honor; Chris
6 Mattei, Bill Bloss, Josh Koskoff, and Matt Blumenthal
7 on behalf of the plaintiffs.

8 ATTY. REILAND: Good afternoon, Your Honor;
9 Attorney Zachary Reiland on behalf of the Jones
10 defendants.

11 ATTY. BROWN: Good afternoon, Your Honor;
12 Stephen Brown on behalf of the Midas defendant.

13 ATTY. JAKIELA: Good afternoon, Your Honor;
14 Kristan Jakiela on behalf of Cory Sklanka.

15 THE COURT: All right. Just give me one moment,
16 please.

17 So Attorney Pattis did stop by this morning on
18 scheduling. We had no other discussions besides
19 scheduling. He indicated he was before Judge Gould,
20 but that, Counsel, you would be here in his stead and
21 that he did not need to be here or wish necessarily
22 to be here.

23 ATTY. REILAND: That's correct, Your Honor.
24 Thank you.

25 THE COURT: Okay. Just wanted to clarify that.
26 All right. So I did -- I'll take up the matters
27 that I've adjudicated and then we'll see where we go

1 from there.

2 So I did deny the motion for stay that the
3 defendant filed. And I assume if at some point
4 there's a motion to withdraw, that would be
5 adjudicated in due course.

6 The motion for clarification that the defendant
7 -- the Jones defendant filed -- let me just find the
8 date on that. Counsel, do you know the date that was
9 filed, the motion -- defendant -- the Jones defendant
10 motion for clarification?

11 ATTY. REILAND: What date it was filed? It was
12 filed on June 11th.

13 THE COURT: Thank you.

14 ATTY. REILAND: I believe.

15 ATTY. MATTEI: Your Honor, it's dated June 12th.

16 THE COURT: Perfect. Thank you. Yeah, I see
17 it. It's filed under request. All right. That is
18 denied as well. And I would simply say that the
19 defendant should be guided by the language in the
20 actual requests for interrogatory and production.

21 So I've read all the filings to date and I --
22 including the recent ones. And I don't -- I don't
23 really care which way we proceed, what you want to
24 take up first. I don't know if you've had any
25 discussions, but I'm prepared to deal with them all
26 today and rule on anything that's outstanding today.

27 I did want to ask first, though, with regard to

1 discovery if there has been additional discovery
2 since we last met in person.

3 ATTY. REILAND: Your Honor, we haven't tendered
4 anything to the plaintiffs. However, last night I
5 did get some Google Analytics documents from Austin
6 from Free Speech Systems. I have not had a chance to
7 catalogue those and turn them over. That probably
8 will be coming --

9 THE COURT: So the answer would be since we last
10 met, there's not been any further production --

11 ATTY. REILAND: That's correct.

12 THE COURT: -- by the Alex Jones defendants, for
13 --

14 ATTY. REILAND: It is.

15 THE COURT: -- example, the -- the cellphone
16 information.

17 ATTY. REILAND: The cellphone has not been
18 produced. No, Your Honor.

19 THE COURT: Okay. All right. Because I just
20 would note that the deadline for producing at least
21 the data from the Google Analytics I believe was
22 Monday. So that deadline already passed. But --

23 ATTY. REILAND: I understand that, Your Honor.

24 THE COURT: -- in any event, did you have any
25 discussions on how you want to proceed, which motion
26 first?

27 ATTY. REILAND: We did not.

1 THE COURT: Okay. Because I think I'm prepared
2 to rule on the discovery motions without argument in
3 light of the fact that nothing's changed since you
4 were last here. So I suppose then you want to take
5 up your emergency motion?

6 ATTY. MATTEI: Your Honor, the -- the only other
7 issue, unless you're prepared to rule on this as
8 well, is any sanctions that may apply as a result of
9 the noncompliance. If you already decided what
10 you're going to do there, then we don't need to offer
11 anything.

12 THE COURT: I'm going to rule on -- from the
13 bench on all the motions at the end of all of them.
14 So the one that I was -- the only -- you're really
15 not entitled to argument on any of these, but I was
16 going to afford you argument if you wished on the
17 emergency motion that you filed.

18 ATTY. MATTEI: With respect to the discovery
19 motions, Your Honor, in the Court's order I believe
20 of June 10th --

21 THE COURT: Well, I'm not -- on the discovery
22 motions, I'm good. I think I was more directed to
23 your motion regarding the broadcast.

24 ATTY. MATTEI: Yes. And Attorney Bloss will be
25 handling any issues relating to the broadcast.

26 THE COURT: All right. So the discovery I don't
27 need any further argument on that. I did just want

1 to say one thing to both sides. So both of -- both
2 sides filed a motion and objection with hyperlinks, I
3 suppose, to Infowars shows that I didn't want to -- I
4 don't think I could even access them from the court
5 computer and I sure didn't want to try. So I was
6 able to do it from home last night. But I don't know
7 if those hyperlinks change and the materials change.

8 But in any event, just for a good appellate record,
9 I'm ordering both sides to retain copies of the
10 actual broadcast or whatever you want to call it, the
11 videos, make a copy, and retain it because I just
12 want to make sure the hyperlink -- you know, it isn't
13 taken down or destroyed or whatever. Just so we have
14 a good appellate record, okay?

15 ATTY. MATTEI: And for the record, Your Honor,
16 the plaintiffs have already downloaded and preserved
17 both the June 14th and June 15th broadcasts.

18 THE COURT: That's what I was looking for. And
19 Counsel, you might want to do the same thing --

20 ATTY. REILAND: Understand.

21 THE COURT: -- so that we don't have any issues.

22 ATTY. REILAND: We have. Thank you, Your Honor.

23 THE COURT: Okay. So Attorney Bloss will argue.
24 Whenever you're ready.

25 ATTY. BLOSS: Yes, Your Honor. And I think to
26 the latter point, we also have caused to be prepared
27 a paper transcript of both of the shows, the relevant

1 sections, what we believe are the relevant sections
2 of the shows. If you would like to have that marked
3 for the record?

4 THE COURT: Well, I don't have a Clerk. Is that
5 something that you can give me and then just have
6 your office e-file?

7 ATTY. BLOSS: Yes, of course.

8 THE COURT: Okay.

9 ATTY. BLOSS: Sure.

10 THE COURT: And have you given a copy to Defense
11 Counsel?

12 ATTY. BLOSS: I have extra copies, yes.

13 THE COURT: So this is just a transcript that
14 your office prepared?

15 ATTY. BLOSS: Well, no, a Court -- a Court
16 Reporter.

17 THE COURT: Court Reporter.

18 ATTY. BLOSS: Not our office.

19 THE COURT: Okay.

20 ATTY. BLOSS: And to be fair, Your Honor, I have
21 not compared this to the original. I will do that as
22 soon as I can. But we did -- this was able to be
23 done late yesterday.

24 THE COURT: All right. Just as long as you have
25 copies for each of the defendants and you give me a
26 bench copy and then you just have your office, if you
27 don't mind, e-file the copy since --

1 ATTY. BLOSS: May I approach?

2 THE COURT: You can pass by my imaginary Clerk
3 and hand it to me. Thank you.

4 ATTY. BLOSS: So Your Honor, I think it would be
5 helpful on this particular issue to start with a
6 timeline because there seems to be -- just I think we
7 need to be clear about what happened and what didn't
8 happen.

9 On May 21st of this year, the Jones defendants
10 did produce to our office a series of emails
11 electronically, approximately 58,000 in number. They
12 were in different groups. They were not catalogued
13 in any particular way, but they were produced in the
14 native form, if you will. I know that there were
15 some discussions about making sure that these were
16 not just in PDF but were actually in an electronic
17 form so they could be sorted and reviewed
18 expeditiously.

19 We retained, Your Honor, an electronic storage
20 information expert, a consulting company, to help us
21 catalogue and go through those materials. We did not
22 immediately review them ourselves. We had our
23 consultants starting to catalogue them and search
24 them. On June 4th, Your Honor, we were informed by
25 our consultants that there was a -- an image that the
26 consultants believed was child pornography attached
27 to one of the emails that the Jones defendants

1 produced. We obviously did not have custody of it at
2 that time; the consultants did. We did what we were
3 supposed to do under the law and we contacted the
4 FBI.

5 The FBI immediately took within a few days, by
6 June 7th, took control of all of the emails. We have
7 not had access to them since then. And the FBI said
8 that it would proceed accordingly. We did provide a
9 hard drive; the FBI took custody of a hard drive with
10 all the materials on June 7th.

11 On June 12th, we received word from the FBI that
12 -- that they were not going to -- that they had
13 determined, at least as to what we were being told,
14 that there were approximately 12 emails that had
15 images attached to them in one form or another, but
16 that they had been sent from the outside to the --
17 one or more of the Jones defendants or related
18 entities, and that as best the FBI could determine,
19 they had not been opened by any of the Jones
20 employees or defendants.

21 We then did what we were supposed to do and what
22 we were allowed to do and we notified Defense
23 Counsel, counsel for Mr. Jones, that -- what had
24 happened. And I think it's important to note, Your
25 Honor, that up until -- well, let me say one other
26 event. On June 12th, there was a joint conference
27 call between Defense Counsel, our office, and the

1 United States Attorney's Office just summarizing
2 really what I've just summarized for you.

3 I think it's important to note, Your Honor, that
4 our office did not make any public statement, private
5 statement, on-the-record, off-the-record statement to
6 anybody about the existence of these emails up until
7 the time -- up until ever, frankly, until we made
8 this filing yesterday. The --

9 THE COURT: Can you just give me one moment?
10 Thank you. Go ahead.

11 ATTY. BLOSS: On -- and we thought and still
12 firmly believe that we did what, first of all,
13 federal law requires us to do under the
14 circumstances, but second, what the rules of
15 professional conduct require us to do.

16 We then were -- we then learned, Your Honor, on
17 Friday, June 14th, that Mr. Jones and Mr. Pattis had
18 done a web show making certain allegations against
19 our office and against specifically one of the
20 attorneys in our office, Mr. Mattei. And Your Honor
21 has seen the video. I'm not going to argue the
22 substance of the video here today. There was then a
23 subsequent show on June 15th where there were other --
24 -- there was other discussion, if you will, of the --
25 of the emails.

26 THE COURT: So the first show was the 14th?

27 ATTY. BLOSS: Correct.

1 THE COURT: And the second show was the 15th.

2 ATTY. BLOSS: Correct. And I've actually been
3 informed that Mr. Pattis was on the show again last
4 night or yesterday at some point. I haven't seen
5 that one yet and I don't know -- I don't have any --
6 I can't make any representations at all.

7 THE COURT: So the show that was the hyperlink
8 in the plaintiffs' motion was the June 14th one and
9 the show that was in the defendant's motion --
10 objection was the June 15th show.

11 ATTY. REILAND: That's correct. Yes.

12 THE COURT: Thank you.

13 ATTY. BLOSS: Yes, Your Honor. So I -- I -- and
14 I think, Your Honor, we wanted to bring this to the
15 Court's attention as quickly as possible because we
16 think that it is important for the Court to exercise
17 some control over the litigants in this case to make
18 sure -- or a litigant specifically, to make sure that
19 the threats stop. The conduct on June 14th was
20 deeply disturbing to us. We have -- I can inform the
21 Court that law enforcement is involved. We have
22 since received threats from the outside that we are
23 addressing appropriately. And the Court, in the
24 papers that we filed on Monday, I gave the Court some
25 authority where Courts have inherent power to
26 sanction parties who engage in obstructive conduct or
27 conduct that's threatening. And there's no way to

1 interpret what Mr. Jones said on Friday any way other
2 than a threat.

3 It is our intention, Your Honor, to file a
4 motion for sanctions. We will be seeking a sanction
5 up to and including default based on Mr. Jones's
6 conduct. We would propose to get that motion filed
7 within a very short period of time, and we'd ask for
8 a hearing on that motion as soon as possible.

9 THE COURT: Well, I am -- my clear
10 understanding, especially when Case Flow contacted
11 both sides, that this is the time that you're going
12 to make your argument and you're going to tell me why
13 sanctions should enter. And Defense will argue their
14 position and tell me why sanctions should not enter.

15 But I did do my own research as well, and I know
16 -- I'll rule on this today, but I know it's going to
17 be after lunch for sure, because by the time you're
18 done arguing, I have to give the Monitor her break.
19 But I -- the case that I turned up was a Connecticut
20 Appellate Court case that came out just a couple
21 months ago, *Maurice v Chester Housing Associates*.
22 And that dealt with bad faith litigation, misconduct
23 that took place out of court. It was actually an
24 email that was sent by a nonparty to the plaintiff's
25 attorney. And that case, the person who sent the
26 email was a -- not a named defendant, but a partner
27 in the defendant partnership. So -- and the Court

1 upheld the Trial Court's entering of sanctions in
2 that case. But that, I thought, was very
3 illuminating and similar, although the conduct that's
4 claimed there is not as egregious as the conduct
5 that's claimed here.

6 ATTY. BLOSS: Well, and the conduct, Your Honor,
7 speaks for itself. I don't need to argue what
8 happened. It's -- Mr. Jones chose to do this on
9 video and chose to broadcast it to however many
10 people listen to him.

11 I think one of the things that is particularly
12 disturbing, Your Honor, is that we've been here
13 before with Mr. Jones. If you'll recall, Mr. Jones
14 had to publically apologize after one of -- somebody
15 who said that he was inspired by his conduct went
16 into a pizza place and -- Planet Pizza in Washington,
17 DC, and fired shots to allegedly investigate a child
18 trafficking ring that Mr. Jones said, as I understand
19 it, was operating out of the basement. He knows
20 better. He should know better. And that now he says
21 this about both attorneys in our office and really
22 about the -- the -- the entire firm and our -- the
23 litigation process really requires the most stringent
24 sanction available to the Court, which is to enter a
25 default. I just don't think there's really any
26 alternative left.

27 Your Honor has been very patient in this case

1 with the discovery process. I understand this is
2 something very different. But what was done here was
3 wrong. And in the June 15th, I think it's
4 interesting that Defense Counsel says that there was
5 an apology in the June 15th show. There was not an
6 apology in the June 15th show. There was a statement
7 by Mr. Jones, I'm not saying that Mr. Mattei planted
8 this email. That's exactly what he said. And he
9 didn't say I'm wrong. Defense Counsel didn't say he
10 didn't do it. Defense Counsel said I don't think
11 Chris Mattei sent these emails. Well, no kidding.

12 The fact that -- that -- that first of all, a
13 party would accuse a lawyer of planting these emails
14 when he knew better, we disclosed it to the FBI. We
15 didn't disclose it to the press. We did everything
16 that was required to do, and the reaction from Mr.
17 Jones was to try to punish, to try to -- to try to
18 accuse of the -- one of our lawyers of the most
19 serious kind of misconduct.

20 THE COURT: So you -- your firm found out from
21 your consultants on June 4th.

22 ATTY. BLOSS: Correct.

23 THE COURT: All right. And I know we had a
24 status conference on June 5th here, and it was never
25 mentioned. So my first knowledge of it was the
26 filing as well.

27 ATTY. BLOSS: Well, we -- we didn't mention it,

1 Your Honor, because we thought it's evidence of a
2 federal crime. We thought and still believe that
3 bringing to the attention of the FBI was the right
4 thing to do and I don't think that anybody would
5 dispute that, honestly. Mr. Pattis says in his
6 filing yesterday, Your Honor, that the emails, quote,
7 inadvertently, closed quote, produced to us. Well,
8 we didn't make -- we made no -- we took no advantage
9 from that whatsoever. We did not -- we did not
10 release them, we didn't discuss it with you, we
11 didn't discuss it with anybody because that's what --
12 that's what we are supposed to do. We did this
13 right. And the reaction of the defendant to us doing
14 this right was to accuse one of our lawyers of not
15 only professional misconduct, but federal criminal
16 misconduct, and then to make threats against him.
17 It's enough, Your Honor. This has gone far enough.

18 THE COURT: All right. Anything further?

19 ATTY. BLOSS: No, Your Honor.

20 THE COURT: So Counsel, whenever you're ready.
21 I was hoping that you would address, because I read,
22 you know, the motion that you filed or that your
23 office filed, that referred to an apology. And when
24 I watched the broadcast several times, I wasn't able
25 to see an apology in there.

26 ATTY. REILAND: Your Honor, I thought there was
27 an apology at the beginning of that broadcast. And

1 at the very least, he said that -- Mr. Jones said
2 that he understood that Mr. Mattei did not do this.

3 THE COURT: That's --

4 ATTY. REILAND: Quite simply, when Mr. Jones
5 heard about --

6 THE COURT: Well, that might -- maybe be a
7 retraction.

8 ATTY. REILAND: A retraction.

9 THE COURT: Although --

10 ATTY. REILAND: Perhaps it was misstated in the
11 motion, Your Honor.

12 THE COURT: It doesn't sound like an apology.

13 ATTY. REILAND: It was certainly walked back,
14 Your Honor. And that was the -- the primary reason
15 of Attorney Pattis accompanying Mr. Jones on that
16 show the next day was to do that.

17 Quite simply, I think Mr. Jones was enraged when
18 he found out about this -- these images being sent to
19 him via email.

20 THE COURT: Well, your position is that he was
21 enraged. I mean, someone could view that and say
22 that he was portraying rage. You know, I would
23 classify it maybe as a rant or a tirade. But whether
24 he was genuinely enraged, as you suggest, or whether
25 he was just portraying that rage for his show, that's
26 --

27 ATTY. REILAND: Well, I can only --

1 THE COURT: -- that's --

2 ATTY. REILAND: -- speak to, you know, my
3 communications with Mr. Jones and with his --

4 THE COURT: Well, but then you need -- then you
5 would want to put on evidence in that regard, because
6 there's no evidence. The evidence before me are the
7 broadcasts that you submitted. So you have -- this
8 is uncharted territory, Counsel. You have -- and
9 despite my research, I couldn't find a case that came
10 close to a situation where a party who still hasn't
11 fully and fairly complied, but a party produced child
12 porn in their discovery documents. So that, I
13 couldn't find a case, never heard of it. But this is
14 really unprecedented, because now the party who
15 produced documents that contain child porn then go on
16 and broadcast their claims and accusations that the
17 child porn was planted there by the lawyers on the
18 other side. So you tell me, what should the Court do
19 here?

20 ATTY. REILAND: Your Honor, we're asking the
21 Court -- we understand that the plaintiffs are
22 seeking some serious sanctions right now. We are --
23 we're asking the Court for -- to deny any sanctions,
24 not impose sanctions at this time.

25 As I stated earlier, we do have -- I understand
26 the deadline has passed, it was yesterday, for the
27 metadata to be produced. I have received that. I

1 have it on USB stick, attempted to give it to
2 Plaintiffs' Counsel. And I understand that they
3 didn't want to take it. It hasn't been catalogued;
4 there's no cover sheet with it. So that's in the
5 works.

6 Your Honor, I just think that, you know, Mr.
7 Jones did go on, attempted to walk back these
8 statements. I understand the toothpaste is out of
9 the tube at this point, so to speak. And --

10 THE COURT: Well, can I ask you, Counsel, I
11 tried to estimate the length of time that the -- on
12 the show that was in the motion how long the tirade
13 or rant or whatever you want to characterize it went
14 on where Attorney Mattei's picture was posted and,
15 you know, pounded on and discussed. It seemed to me
16 that, give or take, it was a solid 20 minutes of back
17 and forth on just the issue of the child porn and
18 being planted by either Attorney Mattei or --

19 ATTY. REILAND: I understand that.

20 THE COURT: -- somebody in his firm. So it
21 wasn't just a passing reference or one single
22 statement.

23 ATTY. REILAND: Not saying that it was, Your
24 Honor.

25 THE COURT: And I am going to suggest that
26 during the break that you take a look at that -- that
27 case. It's -- I wish I had this -- it's such a --

1 oh, here it is. 188 Conn. App. 21. In that case,
2 the Appellate Court upheld the sanctions of just
3 attorney's fees that the Trial Court had entered and
4 it centered upon an email where the general partner,
5 who was not a party to the litigation but was a
6 general party (sic) of the defendant, simply sent an
7 email to the plaintiff's lawyer that he wanted her to
8 sit on his -- I don't want to -- F'ing head. I mean,
9 it spells it out there. So that was the whole,
10 entire issue in that particular case, just that one
11 short six words or so. This would seem to be well
12 beyond that.

13 ATTY. REILAND: Understood. And if we could
14 have a brief recess, I could take a look at that, I'd
15 appreciate it, Your Honor.

16 THE COURT: Well, we can do that over the lunch
17 hour. So I didn't mean to cut you off. I want you
18 to have as much time as you want to make your
19 argument.

20 ATTY. REILAND: Your Honor, and I just want to
21 make clear, this was in our motion for stay as well
22 that obviously the turning over of these -- these
23 pictures was not intentional. We had at least a
24 month or two being in the case that we produced these
25 documents in PDF form to the plaintiffs, which they
26 have been gone through, culled for privilege, culled
27 for anything else, relevance. After that disclosure

1 was completed, the plaintiffs say that they wanted
2 the metadata for this. We had a very short time to
3 turn that over.

4 Our firm, quite simply, does not have the
5 resources, Mr. Jones does not have the resources to
6 farm this out to a sophisticated data firm like the
7 plaintiffs have done here.

8 THE COURT: Well, let me just interrupt you
9 there. When I did my job last night and watched the
10 videos over and over again, I watched and listened to
11 Mr. Jones talk about what was first going to be I
12 think \$100,000 reward and then it -- he upped it to a
13 million-dollar reward to --

14 ATTY. REILAND: Your Honor, I can't speak to
15 that. I think he has --

16 THE COURT: So I mean, it sound -- when you are
17 --

18 ATTY. REILAND: -- I think on that next
19 broadcast, he walked back that reward as well.

20 Quite simply, we did not intentionally turn over
21 these documents. We absolutely respect the
22 plaintiffs for doing what we did. We look forward to
23 the FBI's investigation and bring whoever sent these
24 emails to justice.

25 THE COURT: So do you -- is the Alex Jones
26 defendants' position that Mr. Jones never threatened
27 Attorney Mattei or that he walked back any threats?

1 ATTY. REILAND: Our position is, Your Honor,
2 that what he said did not rise to a threat.

3 THE COURT: Okay.

4 ATTY. REILAND: There was no imminent danger
5 there. He was --

6 THE COURT: All right. So let me ask you the
7 next question.

8 ATTY. REILAND: -- he was referring to -- and I
9 apologize, Your Honor.

10 THE COURT: That's all right.

11 ATTY. REILAND: He was, in the same breath,
12 referring to Mr. Mattei but also offering a reward to
13 find who did it. So quite frankly, we just don't
14 think it was a threat.

15 THE COURT: Okay. Do you take the position that
16 broadcasting for 20 minutes or so what he broadcast
17 with Attorney Mattei's picture and pounding the
18 picture and putting up the Wikipedia information and
19 so on and so forth and stating what he stated was
20 harassing, and then he walked it back the next day?
21 Or is it your position that it wasn't harassing?

22 ATTY. REILAND: Your Honor, I don't think it was
23 -- it was appropriate, but I don't know if it rises
24 to an action -- and actionable practice, excuse me.
25 So I don't think that it was harassment, threatening;
26 it was certainly inappropriate.

27 THE COURT: Well, what was it then, Counsel?

1 Characterize it for me if you can.

2 ATTY. REILAND: It was inappropriate conduct,
3 Your Honor, that was based off of his --

4 THE COURT: Inappropriate --

5 ATTY. REILAND: -- frustration of the situation,
6 his anger over being called a pedophile. And I think
7 most people would be very angry. Unfortunately, his
8 outlet to express that is going on the air and doing
9 that. It wasn't appropriate.

10 THE COURT: All right. So --

11 ATTY. REILAND: Unfortunately, Attorney Pattis
12 wasn't able to kind of control the situation at the
13 time. The next day, he attempted to clear the air by
14 walking it back, Your Honor.

15 THE COURT: So tell me when you say
16 inappropriate what you mean by inappropriate.

17 ATTY. REILAND: Means it should -- probably
18 should not have been done.

19 THE COURT: And what are you referring to,
20 though, when you say it shouldn't have been done?

21 ATTY. REILAND: Referring to Plaintiffs' Counsel
22 at all.

23 THE COURT: And you made a mention and I didn't
24 pick this up from the filings or from the broadcast,
25 and it may be my mistake, but you made a mention, I
26 believe, just now that Mr. Jones was upset or angry,
27 I can't remember what word you used, that he was

1 called a pedophile. I didn't see that anywhere.
2 Tell me where that is.

3 ATTY. REILAND: Well, certainly the impression
4 that he was to be portrayed as a pedophile, that
5 child -- or that somebody was attempting to frame him
6 for being a pedophile, because that's clearly what
7 this malware attack was. Somebody from the outside
8 sending him emails with the hopes that he would open
9 it and then he would be set up as viewing those
10 images and possibly be framed for a crime.

11 THE COURT: But there's nothing that I missed
12 that suggests that anyone involved in the case or not
13 involved in the case actually called him a pedophile.
14 I thought from the --

15 ATTY. REILAND: Certainly not. It was the
16 impression that he got from malicious parties sending
17 him these illegal images.

18 THE COURT: Okay. Anything further at this
19 time?

20 ATTY. REILAND: Nothing, Your Honor.

21 THE COURT: So I think the way to proceed on
22 this, if you don't mind, is we take the recess now.
23 I think Counsel should take a look at that case. And
24 then if he wants to have any further argument and
25 then I can hear from the plaintiffs as well as to
26 whether they want any further argument, and then I'll
27 be prepared to rule.

1 ATTY. BLOSS: That's fine. Can I just follow up
2 on a couple of quick things, Your Honor?

3 THE COURT: Is it something that you can do when
4 we come back when you have your opportunity to reply?

5 ATTY. BLOSS: Certainly, Your Honor.

6 THE COURT: Okay. So why don't we do that and
7 then we'll reconvene at 2:00?

8 **(THE COURT RECESSED AND RETURNED WITH THE**
9 **FOLLOWING)**

10 THE COURT: Attorney Pattis, you've joined us.

11 ATTY. PATTIS: I heard there was a party I
12 couldn't miss.

13 THE COURT: All right. So I think we left off,
14 I was going to give the Defense an opportunity if
15 they wanted to review the case I had mentioned and to
16 finish their argument, and then I would give Attorney
17 Bloss an opportunity.

18 ATTY. PATTIS: My understanding, Judge, I was on
19 trial upstairs, and I got a report at the lunch
20 break. And it suggested that the Court was going to
21 consider sanctions immediately today, that the Court
22 had denied our motion to stay, and encouraged us to
23 review a case, which we have. And so I understand
24 and accept your inherent authority over these
25 proceedings.

26 I'm asking you not to impose a sanction of any
27 sort at this point. I was present at the Infowars

1 taping and sitting next to Mr. Jones, and was,
2 frankly, flabbergasted by the level of anger that he
3 saw. And I understand you raised questions about
4 whether that was anger or an act. If it was an act,
5 it was convincing. And you have read the transcript,
6 I presume. You have seen the video. You've seen
7 that twice I was trying to counsel my client about
8 Aristotle and his admonition on anger, that a wise
9 man is angry the right way at the right time at the
10 right person and by the right means.

11 Mr. Jones is a conspiracy theorist. He believes
12 that there are people out to get him. And guess
13 what, there are. He's been de-platformed from
14 Facebook because of his speech, from PayPal because
15 of his speech, he has difficulty with credit card
16 purchase because of his speech, and he's been sued
17 because of his speech as to Sandy Hill (sic). And
18 we're in the shadow of Sandy Hill (sic) here, so he
19 knows he's not popular in Connecticut, but he's
20 entitled to speak.

21 Now the speech that's at issue here is
22 particularly ugly speech that was uttered on a public
23 airway on Friday night. I sat right there and he did
24 not threaten Chris Mattei. He mentioned Mattei by
25 name and it was uncomfortable and it was unpleasant
26 to behold, and I will concede that. But there was no
27 threat. I've litigated two threat cases all the way

1 up to the United States Supreme Court unsuccessfully
2 seeking certiorari as to the Ed Taupier conviction.
3 And as you -- which was sustained by our State
4 Supreme Court. As you are aware, true threats are
5 exceptions to the First Amendment, and there's some
6 split in the Circuits now about whether they are
7 discerned by means of a subjective or an objective
8 standard.

9 An objective standard requires that the person
10 perceiving the comment would perceive it as a threat.

11 That Mr. Mattei did, I will accept at face value if
12 that's what their pleadings say. But if you look at
13 the language and you look at some of the reporting
14 this morning, I -- I sincerely hope that Mr. Jones
15 brings an action against the *New York Times*. He
16 never threatened to put Mr. Mattei's head on a pike,
17 and to suggest otherwise is a grotesque misreading of
18 the transcript.

19 THE COURT: Would you agree or disagree that it
20 was harassment?

21 ATTY. PATTIS: I don't think it was harassment.

22 You can sue Alex Jones and accuse him of all sorts
23 of things, put your name on the pleadings, and have
24 those pleading -- hold press conferences, have
25 pleadings mysteriously appear on CNN the day after
26 they're filed, and Mr. Jones is supposed to do what,
27 oh, we like sheep have gone astray. If they want

1 blood-knuckle litigation, they got it. But they're -
2 -

3 THE COURT: How would you characterize it?

4 ATTY. PATTIS: As an ugly outburst and an angry
5 outburst.

6 THE COURT: How would you -- did you get a
7 chance to read the *Maurice v Chester Housing*
8 *Authority* (sic) case? How would you characterize
9 that short, I think, six- or seven-word email?

10 ATTY. PATTIS: Not even close. Not even close.
11 That email was sexually tinged to a person in a way
12 that was designed to intimidate her at the core of
13 her being, raising questions about her sexuality and
14 things that this man may or may not have liked to do
15 with her.

16 THE COURT: So you -- you find -- your position
17 is that that short email was intimidating; this --
18 whatever you want to call this, 20-minute tirade --

19 ATTY. PATTIS: I'll call it a tirade.

20 THE COURT: -- rant, whatever you -- that was
21 not intimidating?

22 ATTY. PATTIS: If it was, Mr. Mattei should be
23 in a new line of work. This is a business -- and I
24 said it on the broadcast. This is a business where
25 when you take on a person, you take on the person and
26 you take responsibility --

27 THE COURT: But why didn't --

1 ATTY. PATTIS: -- for the passions it involves.

2 THE COURT: Then why not plaintiff's counsel in
3 the Maurice case, wouldn't the same thing apply to
4 her? Why -- how -- she should be in a new line of
5 work, but instead --

6 ATTY. PATTIS: Well, Judge, in all due respect -

7 -

8 THE COURT: -- the intimidating behavior --

9 ATTY. PATTIS: In all due respect, if I ever say
10 to a woman you should sit on my face, and the Court
11 doesn't see the distinction between that and what was
12 uttered here, there's nothing I can do about the
13 argument. That is just grotesquely different.

14 In this case, Mr. Jones has been held up to the
15 nation as a figure of public ridicule and contempt.
16 Is -- does he have to sit silently by? Does he not
17 have an opportunity to respond in kind? Does he not?
18 And you know, the First --

19 THE COURT: Well, does that give him --

20 ATTY. PATTIS: -- Amendment says -- the First
21 Amendment has protected --

22 THE COURT: Attorney Pattis, does it give him --
23 does it give him the right to accuse the opposing
24 counsel of planting child pornography? Of asking --

25 ATTY. PATTIS: He did not do so.

26 THE COURT: -- for the metadata -- of asking for
27 the metadata so that he could -- so that the opposing

1 counsel could plant the child porn?

2 ATTY. PATTIS: He didn't say those words, and I
3 defy you to find that in there. That is a suspicion
4 that he has and I counseled him over and over again,
5 you don't know that, I don't know that, I don't
6 believe that about Attorney Mattei. I've litigated
7 cases against him for 20 years.

8 THE COURT: Well, we're not talking about what
9 you believe.

10 ATTY. PATTIS: No, no. But I was sitting right
11 there and I saw it. I had the benefit of being an
12 eyewitness, and I've read the transcript again over
13 lunch. Somebody put that -- that pornography into
14 Mr. Jones's email. It was not him. And we were told
15 that by -- in a conference call with the Justice
16 Department last week. Who? Who would have a motive
17 to do so? A naïve litigant always demonizes their
18 adversary. I tried to walk Jones back from that and
19 say, look, Mr. Mattei's job is to take you apart, as
20 it is my job to raise questions and take apart the
21 people who've sued you. That's what we do.

22 And people talk about restorative justice, we
23 have complex mediation programs because we know the
24 emotions get raw. And experienced litigators are
25 expected to roll with the punches, and sometimes
26 those punches are awkward and sometimes those punches
27 raise concerns. This was not a threat.

1 I have -- it's been intimated to me that there
2 may or may not be a criminal prosecution being
3 investigated as a result of that. My response to
4 that is bring it on. This does not satisfy the
5 *Brandenburg v Ohio* test. In order for an utterance
6 to be a true threat, it has to do more than be
7 chilling in its tone. It has to be an imminent
8 threat of immediate violence. And in the context as
9 a whole, how do you go from this video to Mr. Mattei
10 running to court seeking sanctions? What is he,
11 scared? I mean, he's a former federal prosecutor,
12 come on.

13 From Mr. Jones's perspective, this is more
14 theater. This is an opportunity -- from the day I've
15 gotten involved in this case, it's been code red, one
16 urgency after another by plaintiffs who waited until
17 the statute of limitations had expired as to most of
18 the claims, found a tenuous conspiracy theory to
19 reach back and keep it alive, and now trying
20 desperately to link some false utterance to a
21 commercial activity so they can run the same game on
22 the First Amendment that they ran on the firearms
23 case in *Bushmaster*. Well, bring the criminal case
24 on. Let's go.

25 It is not going to past First Amendment
26 scrutiny, and we think sanctions would be
27 inappropriate in this case.

1 I spoke to Mr. Jones at the lunch hour to alert
2 him to the fact that the Court seemed inclined to
3 grant sanctions of some sort, and he was
4 flabbergasted by that. I mean, whatever you may
5 personally think of Mr. Jones, he has a right to
6 speak. When we had the days of the Penny Press in
7 this country, people said far worse. They would --
8 they would encourage the tarring and feathering of
9 other people, and we didn't lock them up for being
10 passionate. Mr. Jones is a passionate speaker.

11 THE COURT: So he has the right of free speech,
12 but -- and I understand you don't agree that anything
13 that took place during that -- during the two
14 broadcasts was in any way harassment or threatening
15 or sought to intimidate, but you would agree that he
16 does not have the right based on Connecticut law and
17 I am sure law of other jurisdictions to threaten,
18 harass, or intimidate the counsel on the other side.

19 ATTY. PATTIS: I don't think there's any
20 question that he did not, and it is a precious --

21 THE COURT: I understand your position.

22 ATTY. PATTIS: -- reading of this transcript to
23 suggest otherwise. It is too precious.

24 THE COURT: But in general, does a party have a
25 right under the First Amendment to threaten, harass,
26 or intimidate the lawyer on the other side? That's
27 my question.

1 ATTY. PATTIS: As a matter of law, no. But what
2 the facts in this case mean are by no means clear.
3 How this Court can reach this -- and I mean, consider
4 some of the cases, just throwing them at random.
5 City of Claiborne Village, okay, a case where the
6 NAACP was boycotting white stores. And they said to
7 people outside, if any of you -- and excuse my
8 language -- if any of you cross this picket line, I'm
9 going to break your goddam neck. Somebody was
10 injured. The speaker who was an NAAC (sic) organizer
11 was tried and convicted. That conviction was
12 overturned. Violent speech, our Court has held,
13 tumultuous speech is protected unless it is
14 associated with an imminent act of violence.

15 Another example --

16 THE COURT: But just -- but talk about the
17 integrity of the process here and the functioning of
18 the Court and the judicial process and the Court's
19 obligation. Focus on that as opposed to criminal
20 law.

21 ATTY. PATTIS: Well, you had asked about crimes
22 and so I defended. Now I'll shift to the next turf
23 that you give me an opportunity to -- you know, I
24 mean, I will understand the case, and I forget the
25 name. What was the name of the case you had us read
26 at lunch?

27 THE COURT: *Maurice v Chester Housing Authority*

1 (sic). Just came out a couple months ago. That's --

2 ATTY. PATTIS: The Housing Authority case.

3 That's all I'll remember. You know, it presents this
4 Court with an opportunity, a door through which it
5 could walk here. It's an Appellate Court decision
6 and I don't know what its status is on certiorari.
7 That was an unusual case because it was nonparty
8 participant. But I would argue that in that case, he
9 engaged in speech that was -- was a potential civil
10 rights violation. I mean, he basically sexually
11 harassed the litigant, wanted her to sit on his face,
12 or words to that effect. That -- that is different.

13 It is different to take to a quintessential
14 public forum and cry foul. And from Mr. Jones's
15 perspective, look, this is -- this is how he looks at
16 the world. They pressed, they pressed, they pressed
17 for metadata. They get it, and lo and behold, they
18 just happen to find a needle in a haystack, or as he
19 put it in his broadcast, a needle in a haystack in a
20 field of haystacks. How convenient was that?

21 Now, from my perspective, it wasn't that at all.

22 The other side probably had the resources to hire a
23 sophisticated data mining firm and it was found.

24 THE COURT: So I understand you take the
25 position that nowhere in the transcript does Mr.
26 Jones claim that Plaintiffs' Counsel asked for the
27 metadata so that they could plant the child porn.

1 But assuming that that statement was somewhere in
2 there, would that be sanctionable behavior on these -
3 - in this matter for a --

4 ATTY. PATTIS: I think it might be a defamatory
5 comment, you know, suggesting that they engaged in
6 odious conduct. But for the life of me, I don't see
7 how that affects the administration of justice.
8 Don't be played for a fool here, Judge. From the day
9 I've gotten involved in this case, the Sandy Hook
10 plaintiffs have done nothing but try to leverage a
11 discovery problem into a default of one sort or
12 another so that this Court or any Court can avoid
13 addressing this case on the merits. That's because
14 on the merits they'd fail. *Snyder v Phelps* talks
15 about intentional emotional distress, not
16 sustainable.

17 The only claim they have and the reason they
18 pressed so hard on this ridiculous marketing data
19 theory of theirs is they want to associate knowingly
20 false comments with the sale of commercial products.

21 That's what this case has come down to. Last night
22 at 7:35, I sent an email over with a complicated
23 group of Google Analytics, unknowing whether you had
24 yet ruled on our motion for clarification.

25 We are anxious to litigate the merits of this
26 case. But the Court shouldn't be used in the crisis-
27 of-the-week club by the plaintiffs in an effort to

1 avoid deciding issues that are at the core of this
2 republic. Mr. Jones is an easy scapegoat, especially
3 in Connecticut where we all know people who suffered
4 tragically as a result of Sandy Hook. But if it's
5 Mr. Jones today, who is it going to be tomorrow? And
6 what sort of speech are we going to prohibit because
7 it makes us uncomfortable and we don't like it?

8 If Mr. Mattei truly believes that he can
9 persuade a law enforcement official that to truly and
10 with integrity think that there's a sustainable cause
11 of action in a Criminal Court, let's have it. My
12 client is prepared to address those allegations in
13 any court any time. And before you answer sanctions,
14 Judge, maybe you ought to have him come up here, sit
15 on that witness stand, and tell you what was in his
16 mind. This is an extreme remedy and an extreme
17 proposal which from my mind is shocking and goes to
18 the core of what makes this republic sustainable, the
19 right to speak freely, to criticize the government,
20 to criticize your critics, and to swing back when
21 you're swung at.

22 You know, the Koskoff firm is brilliant on
23 hiding behind litigation privilege. It's no mystery
24 to me that on a Tuesday night a pleading gets filed
25 and on Wednesday morning, it's CNN. And we can do
26 nothing to strike back. Jones takes to an equal --
27 an equal counterweight, his own network, and speaks

1 back. And the consequence is going to be what? You
2 can't fully and fairly litigate a First Amendment
3 claim? Don't go there, Judge. I would be ashamed to
4 call myself a Connecticut resident if that's what
5 happened in this court.

6 THE COURT: Just give me one moment, please.

7 ATTY. PATTIS: I do have an expensive witness on
8 the stand with the clock running upstairs, Judge.

9 THE COURT: I'm sorry. Do you --

10 ATTY. PATTIS: No. I mean, I'm here.

11 THE COURT: Okay.

12 So actually, I'm just looking on the transcript
13 on page 30.

14 ATTY. PATTIS: I'm there.

15 THE COURT: And Alex Jones says: why do they
16 want the metadata? I said they want to plant
17 something on me. I told you that three weeks ago.

18 ATTY. PATTIS: They is an ambiguous term. And
19 I'm not trying to be too cute for words. Somebody --
20 Mr. Jones believes that somebody is financing this
21 litigation. It wasn't brought until after the
22 statute expired as to most things because it was
23 brought after Hillary Clinton lost the 2016 election.

24 His -- his Infowars helped him mobilize a lot of
25 anti-Hillary voters with rhetoric that you and I
26 might find objectionable, but that was their right to
27 do so.

1 He believes that this litigation is financed by
2 third parties, and we actually proposed a discovery
3 request in our despair a pleading or two ago asking
4 for permission to ask that question. Who paid for
5 the \$100,000 data search that just happened to find
6 this? These are questions we'll get answers to
7 someday, maybe not here today. But I don't see how
8 you go from there to threatening Mr. Mattei. I just
9 don't.

10 THE COURT: Well, I'm just -- it's hard to get
11 past the various comments by Mr. Jones about how
12 coincidental -- there was some sarcasm there, of
13 course -- that they asked for the metadata and they
14 asked for this information and they just happened to
15 find it.

16 ATTY. PATTIS: Put yourself in Mr. Jones'
17 position. You pay hundreds of thousands of dollars -
18 - not to me, unfortunately -- but you pay hundreds of
19 thousands of dollars to lawyers. You're looking
20 through 9.6 emails -- million emails. You fight
21 about it in court for months. You turn over 60,000.

22 Weeks pass, the other side asks for metadata. You
23 give them the metadata, metadata you don't even know
24 how to read and you can't afford to pay somebody to
25 read. And within days of that, oh, we just happened
26 to find a piece of child porn. Maybe there aren't
27 any coincidences in the world. I don't think there

1 is any evidence to suggest that Koskoff, Koskoff &
2 Bieder did it. I've known these lawyers forever.
3 They used to be friends.

4 THE COURT: Again, it's not the issue.

5 ATTY. PATTIS: No, I understand that. But I've
6 known these lawyers forever --

7 THE COURT: I don't think anybody --

8 ATTY. PATTIS: -- and they used to be friends
9 prior to this case. I don't know what's become of
10 that. But the fact of the matter is, Jones is
11 entitled to his suspicions. He did not disrupt the
12 administration of justice. And if you've got a
13 former federal prosecutor in here who's saying as a
14 result of this he can't do his job, then maybe you
15 should get him off the case because he's not prepared
16 to serve his clients. Rough cases yield rough
17 emotions. Mr. Mattei can take it. He ran for
18 statewide office. In fact, he's no private person;
19 he's a public person. Even last night, Senator
20 Murphy who rode Sandy Hook into the Senate, put an
21 Alex Jones child porn bumper sticker on the car for
22 his next campaign. This nonsense has to stop. And
23 my client's entitled to push back.

24 THE COURT: Thank you.

25 ATTY. BLOSS: Well, Your Honor --

26 ATTY. PATTIS: Judge, may I be excused to attend
27 to my other matter? Mr. --

1 THE COURT: You may. But I am, just so you
2 know, I'm going to hear from Attorney Bloss, probably
3 take a five-minute recess, and then we'll --

4 ATTY. PATTIS: I understand. I just have a
5 witness that I have to attend to.

6 THE COURT: Okay. Thank you.

7 ATTY. BLOSS: I think the heart of the decision,
8 Your Honor, would be if there was even a grain of
9 sand worth of contrition in that statement. There
10 wasn't. There was blame-shifting. There was a
11 denial of what his client did while he was sitting
12 there at a table. He was saying, effectively, it's
13 our fault.

14 And I want to just go back to basic principles.
15 And this is a fact. The only reason this came out,
16 only reason, is because Mr. Jones --

17 THE COURT: Can I just excuse -- all right. I
18 just want to make sure I -- I wanted to make sure co-
19 counsel was there, and I just didn't see him.

20 ATTY. BLOSS: I'm sorry. Yes. Thank you.

21 THE COURT: Sorry about that.

22 ATTY. BLOSS: I want to be crystal clear about
23 this. Counsel said that Mr. Jones had a right to
24 respond to being called a pedophile. This wasn't
25 going to come out except he chose for it to come out.

26 June 12th, we told them we didn't do anything with
27 it, we weren't going to do anything with it. It's

1 not relevant to this case. However it wound up there
2 is irrelevant. He chose on June 14th with his lawyer
3 sitting there to make this an issue. He chose to
4 bring this --

5 THE COURT: Can I just ask the Defense? Is
6 there any -- there's nothing that I've heard or read
7 that suggests that the plaintiffs disclosed this
8 either in the lawsuit or to the press or --

9 ATTY. REILAND: Not to my knowledge, Your Honor.
10 But just to echo Attorney Pattis's sentiment, it
11 seems like the pleadings in this case have a --
12 constantly get leaked out to the press. They're on
13 the news the next day. So there's --

14 THE COURT: Is there any pleading --

15 ATTY. REILAND: -- no reason to think that that
16 wasn't going to happen with this --

17 THE COURT: Show me the -- I just want to see
18 how this information came out to the public since
19 there was a claim that I believe you said he was
20 upset because he was called a pedophile. Is there a
21 pleading that the plaintiff filed?

22 ATTY. REILAND: Excuse me, Your Honor. I
23 apologize. I think I said that he was rightfully
24 upset because somebody was attempting to frame him
25 for being a pedophile. He didn't blame the attorney
26 -- the plaintiffs' attorneys here.

27 THE COURT: Okay. I thought you said that he

1 called him a pedophile. But there's no -- the
2 plaintiffs here didn't file any pleadings or go to
3 the press or do anything until after --

4 ATTY. REILAND: Not to my knowledge, Your Honor.

5 THE COURT: -- Alex Jones -- all right.

6 ATTY. REILAND: Not to my knowledge.

7 THE COURT: I just want to make sure we're on
8 the same page. Go ahead.

9 ATTY. BLOSS: Let's take out the not to my
10 knowledge. It didn't happen. The first disclosure
11 of these emails was by Alex Jones with Mr. Pattis
12 sitting next to him at a table in Austin, Texas, on
13 their public show. Period. That's how this all came
14 out. He's created this controversy. He didn't
15 respond to something that we did. He chose to make
16 this public. He chose to bring this out. And he's
17 going to -- he's got the consequences of whether that
18 was a good choice or not.

19 He's got the right to free speech, but he's also
20 got a responsibility that if -- if his -- if his
21 speech crosses the line, then he's got -- there are
22 consequences for that. That's why we're here.

23 There is, Your Honor, a -- there are lots of
24 important principles that govern the United States in
25 the operation of a reasoned society. And one of them
26 is open courts where people can have a controversy
27 heard fairly. This isn't something -- we -- we

1 haven't threatened anybody. We haven't said that
2 we're going to put somebody's head on a spike.

3 And let me just address one thing that Mr.
4 Pattis said that there is a suspicion that this is
5 being financed by somebody else. Irrelevant if it
6 was; it's not. This is -- we are not getting a
7 dollar from anybody anywhere. So that -- and that --
8 I'm sure that's not going to convince Mr. Jones
9 because I guess he can believe what he wants to
10 believe. But this is a -- this is a matter that
11 we've decided to take on because we think it's the
12 reasonable, right thing to do for these people that
13 lost so much and continue to lose much.

14 So I want to -- I want to just follow up a
15 little bit on the concept that Mr. Jones is the one
16 who brought this out. If you listen to the tape, he
17 says we're going to expose a major criminal issue.
18 This was planned, Your Honor. This was a deliberate
19 choice by Mr. Jones to bring this out.

20 We just heard that there was a -- that we have
21 this \$100,000 allegedly that we must have paid to
22 have electronic -- the electronically-stored
23 information reviewed. Well, let's look at page 5 of
24 the transcript, Your Honor, from June 14th where Mr.
25 Jones says: I'm not an IT person. I've had to spend
26 time I didn't have trying to figure out what the hell
27 is going on and brought it -- brought in outside

1 consultants and spent hundreds of thousands of
2 dollars. I won't even tell you the number, a half a
3 million dollars, trying to figure out -- to answer
4 the discovery.

5 So this claim that he doesn't have any resources
6 and that these emails were inadvertently produced to
7 us because he doesn't have the ability to do the
8 right thing and follow the rules, nonsense. He said
9 on his show he spent a half a million dollars on IT.

10 So let's talk, Your Honor, about exactly what
11 Mr. Jones said. And because I -- I think that you
12 really didn't get an answer to this from Mr. Pattis,
13 so let's spend a couple of minutes, if you can,
14 talking about what he said. Let's go to page 17 of
15 the July 14th transcript.

16 I know what they do when you expose them. They
17 say you're a pedophile. We knew it was coming. And
18 when the Obama-appointed US attorney demanded out of
19 9.6 million emails in the last seven years since
20 Sandy Hook metadata, which meant tracking the emails
21 and where they went, well, we fought it in court.
22 The Judge ordered for us to release a large number of
23 those emails. That's Chris Mattei that got that
24 done. A very interesting individual with the firm of
25 Koskoff and Koskoff, run by Senator Murphy and
26 Senator Blumenthal, that say for America to survive,
27 quote, I must be taken off the air.

1 Little later on, page 18: so we learned in just
2 the last few days that when they wanted these
3 hundreds of thousands of emails out of the 9.6
4 million that they had attachments to them that no one
5 would know what they were.

6 Well, actually, that's not true that no one
7 would know what they were. Any responsible ESI data
8 firm would know exactly what they were. That's what
9 we did.

10 But that's interesting. This is going back to
11 the transcript. We checked with real IT people
12 because we're not IT folks. We made some calls and
13 they said, no, you wouldn't know what was in the
14 attachments and you wouldn't know what they linked to
15 because the FBI looked and they said we're the
16 victim. It was hidden in Sandy Hook emails
17 threatening us, there was child porn. So it's on
18 record. We were sent child porn. We're not involved
19 in child porn. But the fact is it's not a needle in
20 a haystack; it's fields of haystacks. And they get
21 these emails -- they being our firm -- get these
22 emails a few weeks ago and they go right to the FBI
23 and say we've got him with child porn. FBI says we
24 never opened it. He didn't send it. And then they
25 act like, oh, they're our friends, they're not going
26 to do anything with this. Well, that's exactly what
27 was going to happen.

1 THE COURT: All right.

2 ATTY. BLOSS: So the -- let's talk about the
3 head on a pike line that Mr. Pattis mentioned.

4 Page 21: you're trying to set me up with child
5 porn. I'm going to get your ass. One million
6 dollars, one million dollars, you little gang
7 members. One million dollars to put your head on a
8 pike. One million dollars, bitch. I'm going to come
9 back to that in a minute.

10 THE COURT: Well, I would prefer that you not
11 read from the transcript. I've been through it --

12 ATTY. BLOSS: All right.

13 THE COURT: -- more than enough. So if you
14 could just sort of summarize your arguments?

15 ATTY. BLOSS: Well, the only other one I would
16 just mention, Your Honor, is if I can, at page 25:
17 They literally went in there and found this hidden
18 stuff. In other words, expressly saying that we got
19 these 58,000 emails and knew where to go because this
20 is something that we must have been involved in,
21 that's just false. It's wrong. And to make that
22 accusation, it's not an email or a voicemail that is
23 -- that is -- that is left on some lawyer's
24 cellphone. What happened here, he's got hundreds of
25 affiliates. This went out to hundreds of stations,
26 went out to anybody who can click on his website.

27 And the fact is that this is something that he

1 knows causes problems. It caused a problem with the
2 pizza case, somebody got arrested for going to that
3 facility. One of the people -- one of the parents in
4 Sandy Hook was threatened by one of his listeners and
5 -- and was arrested. So this is -- this is not a
6 surprise.

7 Right now, Your Honor, there is a uniformed
8 Bridgeport Police Officer standing in our lobby.
9 He's going to be there indefinitely. That's what we
10 feel that we need to do based on what has happened in
11 this case up to this point.

12 Just a -- I'm going to touch a couple of other
13 quick things. The -- Your Honor knows and you've
14 seen what the standard is under the law. And one of
15 the interests that is at issue here is the right to
16 have a case fairly adjudicated without harassment,
17 without threats. I think there was ultimately a
18 concession that -- that the Court has power to
19 sanction in the event of harassing or intimidating
20 behavior. I just don't see how any reasonable
21 reading of this -- these two transcripts can lead the
22 Court to any other conclusion that this was
23 harassment. It was a deliberate attempt to
24 intimidate. And it was not something that's
25 protected -- by the way, the standard is not the
26 criminal First Amendment standard. This is a civil -
27 - this is the power of the Court to control its own

1 litigation, the parties before it, and the processes
2 before it. This exceeds any kind of sanctionable
3 conduct that the Connecticut Courts have ever
4 considered. And really exceeds sanctionable conduct
5 in some of the federal cases that we've cited to Your
6 Honor.

7 So I think unless Your Honor has any questions,
8 I'll --

9 THE COURT: Thank you, Attorney Bloss. Did you
10 want to respond briefly, Counsel, or are you all set?

11 ATTY. REILAND: Your Honor, we'll -- we'll stand
12 on Attorney Pattis's argument. I would just say, I
13 guess reasonable minds could disagree, because of all
14 the sanctions and all the, hate to say, grandstanding
15 that we're seeing here reading from the transcript,
16 I'm not seeing any threats to Attorney Mattei here.
17 You know, it's -- it's not great language. It's bad
18 language in some points. But it's not an apparent
19 threat. So thank you, Judge.

20 THE COURT: So I'll take a two-minute recess.

21 **(THE COURT RECESSED AND RETURNED WITH THE**
22 **FOLLOWING)**

23 THE COURT: All right. So I'm going to start
24 with the discovery issues.

25 Putting aside the fact that the documents the
26 Jones defendants did produce contained child
27 pornography, putting aside the fact that the Jones

1 defendants filed with the Court a purported affidavit
2 from Alex Jones that was not in fact signed by Alex
3 Jones, the discovery in this case has been marked
4 with obfuscation and delay on the part of the
5 defendants, who, despite several Court-ordered
6 deadlines as recently as yesterday, they continue in
7 their filings to object to having to, what they call
8 affirmatively gather and produce documents which
9 might help the plaintiffs make their case. Despite
10 over approximately a dozen discovery status
11 conferences and several Court-ordered discovery
12 deadlines, the Jones defendants have still not fully
13 and fairly complied with their discovery obligations.

14 By way of one example, on June 10th, counsel for
15 the Jones defendants stated in their filing that Alex
16 Jones' cellphone had only been searched for emails,
17 not for text messages or other data. In their June
18 17 filing, defendants still try to argue with respect
19 to the text messages that there is little to no
20 personal nexus between the text messages and the
21 litigation, and that the plaintiffs are simply prying
22 into the Alex Jones defendants' personal affairs.
23 But the discovery objections were ruled on by the
24 Court months ago and the defendants still have not
25 fully and fairly complied.

26 Also, as another example, the Google Analytics
27 data was ordered to be produced. And this is a

1 Google Analytics account that had to be created and
2 set up by and utilized, according to the testimony,
3 by some of the Jones defendants. Only a 35-page
4 report was produced. In their June 17 filing, the
5 Jones defendants apparently say that they don't
6 possess the data themselves and they should not have
7 to get it from Google because Google holds Alex Jones
8 in contempt. And anything that Google generated
9 would be, and I quote, inherently unreliable,
10 unquote. And again, the Jones defendants miss the
11 mark. They were ordered to produce that data.

12 Our rules of practice require a party to produce
13 materials and information, quote, within their
14 knowledge, possession, or power; and it is clearly
15 within the power of the Jones defendants to obtain
16 the information from Google if, as they claim, they
17 don't possess it themselves. So their objection is
18 too late and their failure to fully and fairly comply
19 is inexcusable.

20 So in short, we've held approximately a dozen
21 discovery status conferences. The Court's entered
22 discovery deadlines, extended discovery deadlines,
23 and discovery deadlines have been disregarded by the
24 Jones defendants, who continue to object to their
25 discovery and failed to produce that which is within
26 their knowledge, possession, or power to obtain. And
27 again, among the documents that they did produce

1 contained images of child pornography.

2 I also note that the Jones defendants have been
3 on notice from this Court both on the record and in
4 writing in written orders that the Court would
5 consider denying them their opportunity to pursue a
6 special motion to dismiss if the continued
7 noncompliance continued.

8 Now with respect to the plaintiffs' request for
9 immediate review and the Jones defendants' objections
10 thereto, as I've said, I've reviewed the -- both
11 broadcasts several times. The law is clear in
12 Connecticut and elsewhere, for that matter, that the
13 Court has authority to address out-of-court bad-faith
14 litigation misconduct where there is a claim that a
15 party harassed or threatened or sought to intimidate
16 counsel on the other side. And indeed, the Court has
17 the obligation to ensure the integrity of the
18 judicial process and functioning of the Court.

19 So if Mr. Jones truly believed that Attorney
20 Mattei or anyone else in the Koskoff firm planted
21 child pornography trying to frame him, the proper
22 course of action would be to contact the authorities
23 and/or to have your attorney file the appropriate
24 motions in the existing case. Just by way as an
25 example, the Jones defendants here could have filed a
26 motion asking that the lawsuits be dismissed for that
27 reason.

1 What is not appropriate, what is indefensible,
2 unconscionable, despicable, and possibly criminal
3 behavior is to accuse opposing counsel, through a
4 broadcast, no less, of planting child pornography,
5 which is a serious felony. And to continue with the
6 accusations in a tirade or rant for approximately 20
7 minutes or so.

8 Now, because I want to make a good record for
9 appeal, I'm going to refer to certain portions of the
10 transcript of the website. And I would note that Mr.
11 Jones refers to Attorney Mattei as a Democratic-
12 appointed US attorney, holds up on the camera
13 Attorney Mattei's Wikipedia page which indicates that
14 he is a Democrat, and puts the camera on the website
15 page, which looks like it's from the law firm.

16 Alex Jones states: what a nice group of
17 Democrats. How surprising, what nice people. Chris
18 Mattei, Chris Mattei. Let's zoom in on Chris Mattei.
19 Oh, nice, little Chris Mattei. What a good
20 American. What a good boy. You'll think you'll put
21 me on.

22 Now, the transcript doesn't reflect this, but
23 when I listened to the broadcast, I heard, I'm going
24 to kill. Now, that's not in the transcript, but that
25 is my read and understanding and what I heard in the
26 broadcast.

27 He continues to say: anyways, I'm done. Total

1 war. You want it, you got it. I'm not into kids
2 like your Democratic Party, you cocksuckers, so get
3 ready.

4 And during this particular tirade, he slammed
5 his hand on Attorney Mattei's picture, which was on
6 the camera at that point.

7 He continues on shortly thereafter: the point
8 is, I'm not putting up with these guys anymore, man,
9 and their behavior because I'm not an idiot. They
10 literally went right in there and found this hidden
11 stuff. Oh, my god, oh, my god, and they're my
12 friends. We want to protect you now, Alex. Oh,
13 you're not going to get into trouble for what we
14 found. F you, man, F you to hell. I pray God, not
15 anybody else, God visit vengeance upon you in the
16 name of Jesus Christ and all the saints. I pray for
17 divine intervention against the powers of Satan.

18 I literally would never have sex with children.
19 I don't like having sex with children. I would
20 never have sex with children. I am not a Democrat.
21 I am not a Liberal. I do not cut children's genitals
22 off like the left does.

23 Further on, referring to the person who sent the
24 child porn, he says: I wonder who the person of
25 interest is. Continues to say: oh, no. Attorney
26 Pattis says: look, are you showing Chris Mattei's
27 photograph on here; and the record should reflect

1 that when Alex Jones said I wonder who the person of
2 interest is, Attorney Mattei's photo was on the
3 camera. Again, referring to who planted the child
4 pornography. Then Alex Jones says: oh, no, that was
5 an accidental cut. He's a nice Obama boy. He's a
6 good -- then Attorney Pattis cuts him off. Attorney
7 -- Alex Jones goes on to say: he's a white Jew-boy
8 that thinks he owns America.

9 Later on in the broadcast, Alex Jones says,
10 quote, the bounty is out, bitches. And you know your
11 feds, they're going to know you did it. They're
12 going to get your ass you little dirt bag. One
13 million, bitch, it's out on your ass.

14 Shortly thereafter, he says: a million dollars
15 is after them. So I bet you'll sleep real good
16 tonight, little jerk, because your own buddies are
17 going to turn you in and you're going to go to
18 prison, you little white Jew-boy jerk-off son of a
19 bitch. I mean, I can't handle them. They want more,
20 they're going to get more. I am sick of these
21 people, a bunch of chicken-craps that have taken this
22 country over that want to attack real Americans.

23 And those are just portions of the transcript
24 that the Court relied on. The Court has no doubt
25 that Alex Jones was accusing Plaintiffs' Counsel of
26 planting the child pornography.

27 Again, these are just a few examples where Jones

1 either directly harasses or intimidates Attorney
2 Mattei, repeatedly accuses Plaintiffs' Counsel of
3 requesting the metadata so they could plant the child
4 pornography, continues to call him a bitch, a sweet
5 little cupcake, a sack of filth, tells him to go to
6 hell, and the rant or tirade continues with frequent
7 declarations of war against Plaintiffs' Counsel.

8 I reject the Jones defendants' claim that Alex
9 Jones was enraged. I disagree with Attorney Pattis's
10 representation here. I find based upon a review of
11 the broadcast clips that it was an intentional,
12 calculated act of rage for his viewing audience. So
13 -- and I note as Plaintiffs' Counsel pointed out,
14 that Alex Jones was the one who publically brought
15 the existence of the child pornography to light on
16 his Infowars show.

17 But putting that aside, putting aside whether it
18 was -- he was in a real rage or whether he was acting
19 out rage, it doesn't really matter for the purposes
20 of the discussion whether he was truly enraged or
21 not, because the 20-minute deliberate tirade and
22 harassment and intimidation against Attorney Mattei
23 and his firm is unacceptable and sanctionable. And
24 the Court will sanction here.

25 So for all these reasons, the Court is denying
26 the Alex Jones defendants the opportunity to pursue
27 their special motions to dismiss and will award

1 attorney's fees upon further hearing and the filing
2 of affidavits regarding attorney's fees. I would
3 note that the attorney's fees will be related only to
4 the conduct relating to the child pornography issue
5 and not for the discovery failures.

6 At this point, I decline to default the Alex
7 Jones defendants, but I will -- I don't know how
8 clearly I can say this. As this case progresses, and
9 we will get today before you leave a trial date in
10 the case now and a scheduling order. As the
11 discovery in this case progresses, if there is
12 continued obfuscation and delay and tactics like I've
13 seen up to this point, I will not hesitate after a
14 hearing and an opportunity to be heard to default the
15 Alex Jones defendants if they from this point forward
16 continue with their behavior with respect to
17 discovery.

18 So I'm going to call other matters now. I'm
19 going to ask that you -- that there not be any
20 conversations in the courtroom because I do have
21 other matters to call. I'm going to ask Counsel to
22 work on a scheduling order, pick a trial date. I am
23 going to need to see it before you leave. So if you
24 could maybe do that in another room, and then I'll
25 come back on the record for that.

26 (THE COURT PROCEEDED WITH OTHER MATTERS AND
27 RETURNED WITH THE FOLLOWING)

1 THE COURT: Were you able to complete a
2 scheduling order and pick a trial date?

3 ATTY. MATTEI: Yes, Your Honor, we have. The
4 completed scheduling order here is signed by Counsel

5 --

6 THE COURT: Can I take a --

7 ATTY. MATTEI: -- with a proposed trial date of
8 November, 2020.

9 THE COURT: Okay. Can I take a look at it? Do
10 you mind?

11 ATTY. MATTEI: Yes.

12 THE COURT: Thank you very much. What about
13 summary judgment motions?

14 ATTY. MATTEI: Your Honor, you'll note that we
15 left that blank because certain defendants in the
16 case still have their Anti-SLAPP motion pending. And
17 so we thought it best to leave that date open at
18 least for now. Attorney Brown and Attorney Jakiela
19 obviously both want to reserve their right, if
20 necessary, to file a motion for summary judgment.
21 But because they still have motions to dismiss
22 pending, the timing of that was uncertain.

23 THE COURT: All right. And the Court Officer in
24 Waterbury is on vacation this week anyway. So I'm
25 not -- unlike Bridgeport where we can put 20 cases
26 down for trial in the same day, I'm not sure that
27 they'll be able to accommodate this exact trial date.

1 So I'll give this over to him. At some point, we're
2 going to need summary judgment deadlines, though,
3 because what I can't have is the summary judgments
4 argued, you know, two weeks before the trial date. I
5 definitely want the 120 days.

6 ATTY. MATTEI: Correct, Your Honor.

7 THE COURT: Okay. Anything else today?

8 ATTY. MATTEI: No. Thank you very much, Your
9 Honor.

10 ATTY. REILAND: No, Your Honor.

11 THE COURT: Thank you, Counsel.

12
13 *****

14 **(END OF TRANSCRIPT)**

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 18, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 18th day of June, 2019.

Dated this 19th day of June, 2019, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor

Exhibit K

DN 271.00

DOCKET NO: UWYCV186046436S

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

SUPERIOR COURT

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

6/21/2019

ORDER 421277

ORDER

The following order is entered in the above matter:

ORDER:

In the interest of full disclosure to all parties, the court was contacted by the Connecticut State Police who were reportedly contacted by the FBI regarding threats against the undersigned made by individuals on the defendant Infowars website. The court has no further information in that regard and plans to take no further action, however, the court believes it is required to disclose the matter to all parties.

Judicial Notice (JDNO) was sent regarding this order.

421277

Judge: BARBARA N BELLIS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

Exhibit L

possible so that *someone* could kill or harm Juror A").

The FBI recently issued a report about the dangers of precisely this kind of broadcast: "The FBI assesses anti-government, identity based, and fringe political conspiracy theories very likely motivate some domestic extremists, wholly or in part, to commit criminal and sometimes violent activity." PA457, FBI Field Intelligence Bulletin, 5/30/19, at 1. "Very likely" is a term of art used by the FBI to mean an 80-95% chance. PA466, *id.* at 10. "These conspiracy theories" – the FBI references the Sandy Hook hoax theory and Pizzagate among them –

very likely encourage the targeting of specific people, places, and organizations, thereby increasing the risk of extremist violence against such targets.... This targeting occurs when promoters of conspiracy theories, claiming to act as 'researchers' or 'investigators,' single out people, businesses, or groups which they falsely accuse of being involved in the imagined scheme. These targets are then subjected to harassment campaigns and threats by supporters of the theory, and become vulnerable to violence or other dangerous acts.

PA459, *id.* at 3. Because of Jones' broadcast, plaintiffs' counsel placed a uniformed police officer in the firm lobby, A204, 6/18 at 45; *see Haughwout*, 332 Conn. at 571 (noting importance of considering "reaction of the listeners"). Jones' audience threatened the judge in this case after the sanctions order issued and Jones turned his fire on her.²² Affirming the ruling below is crucial to protect the integrity of the proceedings in this case.

Jones argues that his broadcast did not fall into any exception to protected speech because his words did not provoke any imminent danger. Def. Br. at 14-20. The Court has

²² After the trial court sanctioned him, Jones posted a broadcast titled "Judicial Tyranny? Judge Says Criticism Of Democrat Lawyers Forbidden." Shortly after that broadcast was posted, the court filed a notice stating that it had been "contacted by the Connecticut State Police who were reportedly contacted by the FBI regarding threats against the undersigned made by individuals on the defendant Infowars website." PA427, DN 271. Jones then apparently removed the broadcast; it is no longer accessible via the Infowars website.

Exhibit M

STATEWIDE GRIEVANCE COMMITTEE

Danbury Judicial District Grievance Panel :
Complainant

vs. : Grievance Complaint #19-0367

Norman A. Pattis :
Respondent

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 80 Washington Street, Hartford, Connecticut on October 3, 2019. The hearing addressed the record of the complaint filed on June 12, 2019, and the probable cause determination filed by the New Haven Judicial District Grievance Panel for the towns of Bethany, New Haven and Woodbridge on July 22, 2019, finding that there existed probable cause that the Respondent violated Rules 3.3(a)(1) and (2), 3.4(1) and 8.4(1),(2),(3) and (4) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on August 28, 2019. Pursuant to Practice Book §2-35(d), Chief Disciplinary Counsel Brian Staines pursued the matter before this reviewing committee. The Respondent appeared and testified. Attorney Mark Dubois represented the Respondent. No exhibits were admitted into evidence.

This reviewing committee makes the following findings:

On March 1, 2019, the Respondent appeared in lieu of previous counsel on behalf of Alex Jones and related corporate defendants in civil litigation pending in Connecticut. At the time of the Respondent's appearance, discovery orders were outstanding against the Respondent's clients. A hearing on the plaintiffs' motion for sanctions was scheduled for March 22, 2019 at 2:00 p.m. On the day of the hearing, the Respondent met in his New Haven office with Mr. Jones' personal representative, who had a power of attorney, and an attorney from Washington, D.C. who represented Mr. Jones in other matters.

On the day of the March 22, 2019 meeting, it was determined that an affidavit needed to be filed regarding Mr. Jones' belief that there had been compliance with discovery. The Respondent drafted an affidavit for Mr. Jones, who was in Texas where he and his corporations reside and do business. Mr. Jones personal representative contacted him on the phone and reviewed the contents of the affidavit with Mr. Jones. The Respondent spoke with Mr. Jones on the phone and asked him "to swear to the truth of the statements in the affidavit", which he did. Mr. Jones authorized his personal representative and attorney in fact to sign his name to the affidavit. The personal representative signed Alex Jones' name to the affidavit. The Respondent

signed his name as Commissioner of the Superior Court on the affidavit, which stated "sworn to and subscribed before me." The affidavit did not state where it was signed.

The Respondent filed the affidavit with the Court and produced it before counsel. Thereafter, at a hearing before Judge Barbara N. Bellis on April 10, 2019, plaintiffs' counsel inquired as to the location of the signing of the affidavit. The Respondent disclosed to the Court the circumstances of the signing of the affidavit. The Respondent represented to the Court that there was no intent to deceive. Thereafter, a new affidavit signed by Mr. Jones was filed. The Respondent self-reported the matter to Grievance Panel Counsel by correspondence dated April 12, 2019. Judge Bellis made a referral to the Office of the Chief Disciplinary Counsel by correspondence dated April 24, 2019.

This reviewing committee also considered the following:

Disciplinary Counsel contended that the affidavit appears objectively false. Disciplinary Counsel argued that the affidavit was not subscribed before the Respondent in Connecticut nor was it signed by Alex Jones. Disciplinary Counsel indicated that the facts in the affidavit are not in dispute, the facts are true. Disciplinary Counsel indicated that the substance of the affidavit is not claimed to be false. The Respondent stated that "[w]hile Mr. Jones did not physically appear before me, I believed I had the functional equivalent of his appearance, and there was no doubt in my mind he had sworn to the facts in the affidavit." The Respondent contended that "Mr. Jones' attorney-in-fact had authority under Texas law to offer a statement of fact in the Connecticut litigation" and that the Respondent "reasonably believed that this authority included his signing an affidavit." The Respondent indicated that he made a mistake. Instead of having the agent sign his own name, he had him sign the name of his principal. The Respondent, through counsel, explained that he incorrectly believed that he could take the oath remotely. The Respondent explained that when he realized his error, he immediately took corrective action. The Respondent explained that the new affidavit signed by Mr. Jones was "identical in form" to the subject March 22, 2019 affidavit.

The Respondent testified that on March 22, 2019, shortly after appearing in the litigation, he was under time constraints in connection with the preparation of the affidavit and the subsequent hearing that afternoon. The Respondent testified that at the March 22, 2019 meeting, he did not ask to view the power of attorney document but rather relied on the representations of his client and his client's representative. The Respondent indicated that there was no claim of prejudice by opposing counsel in connection with the affidavit.

This reviewing committee concludes that the Respondent's conduct in connection with the affidavit did not rise to the level of an ethical violation, in this instance. The record lacks clear and convincing evidence to substantiate a finding that the Respondent violated Rules 3.3(a)(1) and (2), 3.4(1) or 8.4(1),(2),(3) and (4) of the Rules of Professional Conduct. The Respondent acknowledged that he made a mistake in connection with the execution of the affidavit. When the Respondent realized his error, he immediately corrected it. We find the Respondent credible that he made a mistake and had no intent to deceive the Court or opposing counsel. Notwithstanding, we are critical of the Respondent's level of diligence in researching how to handle an affidavit involving an attorney-in-fact acting under a Texas power of attorney in a Connecticut civil proceeding. It is the opinion of this reviewing committee that the Respondent's practice was sloppy with regard to the execution of the affidavit and that he exercised bad judgment. Further, it was inappropriate not to request the power of attorney document for review. Finally, since we conclude that the Respondent did not violate the Rules of Professional Conduct, we dismiss the complaint.

DECISION DATE: 12-20-19

(DFR)

(4)

Exhibit N

STATE OF CONNECTICUT
SUPREME COURT

Date: Hartford, July 23, 2020

To the Chief Clerk of the Appellate Court.

The Supreme Court has decided the following case:

ERICA LAFFERTY ET AL.

v.

ALEX EMRIC JONES ET AL.

Opinion by Robinson, C. J.

WILLIAM SHERLACH

v.

ALEX JONES ET AL.

WILLIAM SHERLACH ET AL.

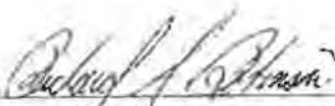
v.

ALEX EMRIC JONES ET AL.

Docket No. SC 20327

Trial Court Docket Nos. UWYCV186046436S/ UWYCV186046437S/ UWYCV186046438S

The sanctions orders are affirmed.


Chief Justice

Rescript

Exhibit O

MONDAY, APRIL 5, 2021

ORDERS IN PENDING CASES

20M67 LYNN, MARY E. V. SAUL, COMM'R, SOCIAL SEC.

The motion for leave to file a petition for a writ of certiorari under seal is denied.

19-251) AMERICANS FOR PROSPERITY V. RODRIQUEZ, ATT'Y GEN. OF CA

19-255) THOMAS MORE LAW CENTER V. RODRIQUEZ, ATT'Y GEN. OF CA

The motion of petitioners for divided argument is denied. The motion of petitioners for enlargement of time for oral argument, and the motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument are granted, and the time is allotted as follows: 30 minutes for petitioners, 10 minutes for the Acting Solicitor General, and 30 minutes for respondent.

20-37) BECERRA, SEC. OF H&HS, ET AL. V. GRESHAM, CHARLES, ET AL.

20-38) ARKANSAS V. GRESHAM, CHARLES, ET AL.

Upon consideration of the motion of petitioners to vacate the judgments of the court of appeals and remand, to remove the cases from the March 2021 argument calendar, and to hold further briefing in abeyance, these cases are held in abeyance pending further order of the Court.

20-255 MAHANAY AREA SCHOOL DISTRICT V. B. L.

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

20-334 SAN ANTONIO, TX V. HOTELS.COM, L.P., ET AL.

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is denied.

20-440 MINERVA SURGICAL, INC. V. HOLOGIC, INC., ET AL.

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

20-472 HOLLYFRONTIER CHEYENNE, ET AL. V. RENEWABLE FUELS ASSN., ET AL.

The motion of the Acting Solicitor General for divided argument is granted.

20-772 WATERFRONT COMM'N OF NY V. MURPHY, GOV. OF NJ, ET AL.

20-1034 GOLAN, NARKIS A. V. SAADA, ISACCO J.

The Acting Solicitor General is invited to file briefs in these cases expressing the views of the United States.

20-5904 TERRY, TARAHRICK V. UNITED STATES

The motions of the Acting Solicitor General for leave to file a brief out of time and for divided argument are granted.

CERTIORARI GRANTED

20-826 BROWN, ACTING WARDEN V. DAVENPORT, ERVINE

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

19-1461 DALBERISTE, MITCHE A. V. GLE ASSOCIATES, INC.

20-83 JONES, JACOB, ET AL. V. KALBAUGH, WAYNE D.

20-551 VORIS, JACK W. V. UNITED STATES

20-753 CONFEDERATED TRIBES OF YAKAMA V. YAKIMA COUNTY, WA, ET AL.

20-872 DAVIS, SHANE V. CARROLL, MIKE, ET AL.

20-952 CONSTRUCTION COST DATA, ET AL. V. GORDIAN GROUP, INC., ET AL.

20-969 FREEDOM WATCH, INC., ET AL. V. GOOGLE INC., ET AL.
 20-1015 ORTIZ, ALEXI V. WALSH, ALFRED D.
 20-1020 OKORO, DONALD C. V. TEXAS
 20-1024 YOUNG, GEOFFREY M. V. EDELEN, ADAM, ET AL.
 20-1025 VEGA, JUAN F. V. MOODY, ATT'Y GEN. OF FL, ET AL.
 20-1037 BOWLING, WANDA V. ROACH, JOHN
 20-1064 JONES, LLOYD A. V. U.S. BANK, N.A., ET AL.
 20-1068 SHOPHAR, JOREL V. JOHNSON COUNTY, KS, ET AL.
 20-1073 DOES 1-10, JOHN V. HAALAND, DEBRA, ET AL.
 20-1108 PONTILER S.A. V. OPI PRODUCTS INC., ET AL.
 20-1135 JONES, ALEX E., ET AL. V. LAFFERTY, ERICA, ET AL.
 20-1139 JONES, FLORENCE V. McDONOUGH, SEC. OF VA
 20-1153 DEVINE, SUSAN E. V. ABSOLUTE ACTIVIST VALUE, ET AL.
 20-1164 BOYD, DONALD E. V. JOHNSON, ADM'R, NJ, ET AL.
 20-1189 HARDIN, BRIAN E. V. INDIANA
 20-1191 SINGLETARY, ROBERT V. NELSEN, WARDEN, ET AL.
 20-1211 SYNKLOUD TECHNOLOGIES, LLC V. ADOBE, INC.
 20-1222 DALESSIO, JULIE V. UNIVERSITY OF WASHINGTON, ET AL.
 20-1228 JAYE, CHRIS A. V. USDC ND IA
 20-1232 IBSA INSTITUT BIOCHIMIQUE V. TEVA PHARMACEUTICALS USA, INC.
 20-1249 DUBIN, GARY V. V. OFFICE OF DISCIPLINARY COUNSEL
 20-6294 SEALEY, RICHARD V. FORD, WARDEN
 20-6507 BERRY, DARRELL, ET UX. V. WELLS FARGO BANK, N.A., ET AL.
 20-6604 GRANT, MARK T. V. ROANOKE, VA
 20-6891 KNIGHT, RONALD V. FL DOC, ET AL.
 20-6899 HUDSON, CYNTHIA V. LUMPKIN, DIR., TX DCJ
 20-6965 MILLER, BRADLEY B. V. DUNN, VIRGINIA T.
 20-6970 MAXWELL, CHARLES V. OHIO

20-6990 SMITH, ALLYN A. V. ARIZONA
 20-7003 KUDLA, JUSTIN A. V. MINNESOTA
 20-7011 SAISI, HEMMINGWAY M. V. MURRAY, CAROLYN, ET AL.
 20-7014 BRUZZONE, MICHAEL A. V. INTEL CORPORATION, ET AL.
 20-7016 BRUINS, ANDREW D. V. WHITMAN, ASSOC. WARDEN, ET AL.
 20-7017 BEYER, DENNIS M. V. TEXAS
 20-7022 TRUJILLO, AMADO R. V. HOUSTON, ACTING WARDEN
 20-7023 PARKER, RAEVON T. V. APPLE INC.
 20-7027 KYNAST, SUSANNE S. V. FLORIDA
 20-7074 NAVE, JIMMY L. V. VANIHEL, WARDEN
 20-7097 SWEAT, ALREE B. V. LAS CRUCES, NM, ET AL.
 20-7098 REYES, HERMINIO N. V. GEORGIA
 20-7105 HARRIS, DEYOE R. V. UNIV. OF AZ POLICE DEPT., ET AL.
 20-7127 PONTEFRACT, CLYDE V. UNITED STATES, ET AL.
 20-7133 REED, ANTHONY V. PAYNE, DIR., AR DOC
 20-7134 SHUHAIBER, FADEEL V. IL DOC
 20-7136 STANFORD, JAMES R. V. PARAMO, WARDEN
 20-7152 HOOK, BRIAN V. INDIANA
 20-7169 NUNLEY, LAWRENCE V. BROWN, RICHARD
 20-7172 CONSTANTIN, DAKOTA M. V. FLORIDA
 20-7173 DEPAULA, VENECIA V. FLORIDA
 20-7175 ELKINS, TIMOTHY W. V. GUINN, TONY, ET AL.
 20-7257 KNOX, TITO V. MAGERA, ELIZABETH, ET AL.
 20-7265 LINDSEY, JONATHAN V. ILLINOIS
 20-7288 CAM, NAZARI V. V. OREGON
 20-7306 MADRID, AGUSTIN V. UNITED STATES
 20-7319 JOHNSON, JAMAA I. V. UNITED STATES
 20-7322 COFFEE, KELSEY V. V. UNITED STATES

20-7324 TRAYWICKS, MALCOLM E. V. UNITED STATES
20-7325 TODD, ERIC V. UNITED STATES
20-7333 MARTINEZ, NOLBERTO V. WARDEN, FCC COLEMAN
20-7336 TILLMAN, DONOVAN J. V. FLORIDA
20-7340 WELSHANS, CHRISTOPHER V. UNITED STATES
20-7362 BRAYE, CHARLES V. UNITED STATES
20-7363 BUTLER, LERONE B. V. UNITED STATES
20-7365 BROUNT, RONALD V. FROSH, ATT'Y GEN. OF MD
20-7369 HICKMON, ANTONIA J. V. UNITED STATES
20-7381 WILKERSON, LARRY V. UNITED STATES
20-7383 ZAMORA-SUAREZ, JORGE V. UNITED STATES
20-7385 KAETZ, WILLIAM F. V. UNITED STATES
20-7388 DE LA TORRE, ALEJANDRO V. UNITED STATES
20-7389 UDOH, EMEM U. V. DOOLEY, WARDEN
20-7390 UDOH, EMEM U. V. KNUTSON, WARDEN
20-7393 COLEMAN, EDWARD V. UNITED STATES
20-7398 JOKHOO, KHEMALL V. VELAQUEZ-AQUILU, LOLA
20-7399 CLANCY, JENITA V. AUSTIN, SEC. OF DEFENSE
20-7402 BROWNRIDGE, SYLAS G. V. UNITED STATES
20-7412 GARDNER, ANTHONY W. V. UNITED STATES
20-7416 HERMAN, JAMES L. V. UNITED STATES
20-7422 LITTLE, ANTUAN V. V. CROMWELL, DAN
20-7423 CRUZ, JOSE J. V. UNITED STATES
20-7425 CRAIG, CORNELIUS K. V. MATEVOUSIAN, WARDEN
20-7430 TORRES, CARLOS V. UNITED STATES

The petitions for writs of certiorari are denied.

20-733 RICKMON, TERRILL A. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice

Barrett took no part in the consideration or decision of this petition.

20-1018 LA REAL ESTATE APPRAISERS BD. V. FTC

The motion of the Federation of State Medical Boards for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

20-1067 ROSAS, MARIA M. V. ADVOCATE HEALTH, ET AL.

20-1134 MYERS, JOHN V. NEAL, SUPT., IN

20-7015 BURTON, SABINA L. V. BD. OF REGENTS UNIV. OF WI

The petitions for writs of certiorari are denied. Justice Barrett took no part in the consideration or decision of these petitions.

20-7266 MARTIN, KEVIN L. V. CAPRON, CATHLEEN, ET AL.

20-7267 MARTIN, KEVIN L. V. CAPRON, CATHLEEN, ET AL.

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8. Justice Barrett took no part in the consideration or decision of these motions and these petitions.

MANDAMUS DENIED

20-1052 IN RE CHRISTOPHER G. BAYLOR

20-7013 IN RE WILLIAM M. WINDSOR

20-7346 IN RE DAVID A. DIEHL

The petitions for writs of mandamus are denied.

REHEARING DENIED

20-6263 ABDULRAZZAK, HAIDER S. V. FLUKE, WARDEN, ET AL.

The petition for rehearing is denied.

ATTORNEY DISCIPLINE

D-3074 IN THE MATTER OF DISCIPLINE OF CHARLES L. MORGAN, JR.

Charles L. Morgan, Jr., of Charlotte, North Carolina, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3075 IN THE MATTER OF DISCIPLINE OF MARK A. HOFFMAN

Mark A. Hoffman, of Lederach, Pennsylvania, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3076 IN THE MATTER OF DISCIPLINE OF ALBERT MICHAEL SARDELLA

Albert Michael Sardella, of Coatesville, Pennsylvania, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3077 IN THE MATTER OF DISCIPLINE OF MICHAEL CHARLES ADGES

Michael Charles Adges, of Garden City, New York, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3078 IN THE MATTER OF DISCIPLINE OF RICHARD P. CARO

Richard P. Caro, of Santa Rosa Beach, Florida, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he

should not be disbarred from the practice of law in this Court.

D-3079

IN THE MATTER OF DISCIPLINE OF MICHAEL F. FASANARO

Michael F. Fasanaro, of Virginia Beach, Virginia, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-3080

IN THE MATTER OF DISCIPLINE OF KENNETH STEVEN KAUFMAN

Kenneth Steven Kaufman, of Potomac, Maryland, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

THOMAS, J., concurring

SUPREME COURT OF THE UNITED STATES**JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED STATES, ET AL. v. KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY, ET AL.****ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

No. 20–197. Decided April 5, 2021

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Second Circuit with instructions to dismiss the case as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950).

JUSTICE THOMAS, concurring.

When a person publishes a message on the social media platform Twitter, the platform by default enables others to republish (retweet) the message or respond (reply) to it or other replies in a designated comment thread. The user who generates the original message can manually “block” others from republishing or responding.

Donald Trump, then President of the United States, blocked several users from interacting with his Twitter account. They sued. The Second Circuit held that the comment threads were a “public forum” and that then-President Trump violated the First Amendment by using his control of the Twitter account to block the plaintiffs from accessing the comment threads. *Knight First Amdt. Inst. at Columbia Univ. v. Trump*, 928 F. 3d 226 (2019). But Mr. Trump, it turned out, had only limited control of the account; Twitter has permanently removed the account from the platform.

Because of the change in Presidential administration, the Court correctly vacates the Second Circuit’s decision. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). I

write separately to note that this petition highlights the principal legal difficulty that surrounds digital platforms—namely, that applying old doctrines to new digital platforms is rarely straightforward. Respondents have a point, for example, that some aspects of Mr. Trump's account resemble a constitutionally protected public forum. But it seems rather odd to say that something is a government forum when a private company has unrestricted authority to do away with it.

The disparity between Twitter's control and Mr. Trump's control is stark, to say the least. Mr. Trump blocked several people from interacting with his messages. Twitter barred Mr. Trump not only from interacting with a few users, but removed him from the entire platform, thus barring *all* Twitter users from interacting with his messages.¹ Under its terms of service, Twitter can remove any person from the platform—including the President of the United States—"at any time for any or no reason." Twitter Inc., User Agreement (effective June 18, 2020).

This is not the first or only case to raise issues about digital platforms. While this case involves a suit against a public official, the Court properly rejects today a separate petition alleging that digital platforms, not individuals on those platforms, violated public accommodations laws, the First Amendment, and antitrust laws. Pet. for Cert., O. T. 2020, No. 20-969. The petitions highlight two important facts. Today's digital platforms provide avenues for historically unprecedented amounts of speech, including speech by government actors. Also unprecedented, however, is the concentrated control of so much speech in the hands of a few private parties. We will soon have no choice but to address how our legal doctrines apply to highly concentrated, privately owned information infrastructure such as digital platforms.

¹At the time, Mr. Trump's Twitter account had 89 million followers.

THOMAS, J., concurring

I

On the surface, some aspects of Mr. Trump's Twitter account resembled a public forum. A designated public forum is "property that the State has opened for expressive activity by part or all of the public." *International Soc. for Krishna Consciousness, Inc. v. Lee*, 505 U. S. 672, 678 (1992). Mr. Trump often used the account to speak in his official capacity. And, as a governmental official, he chose to make the comment threads on his account publicly accessible, allowing any Twitter user—other than those whom he blocked—to respond to his posts.

Yet, the Second Circuit's conclusion that Mr. Trump's Twitter account was a public forum is in tension with, among other things, our frequent description of public forums as "government-controlled spaces." *Minnesota Voters Alliance v. Mansky*, 585 U. S. ___, ___ (2018) (slip op., at 7); accord, *Pleasant Grove City v. Summum*, 555 U. S. 460, 469 (2009) ("government property and . . . government programs"); *Arkansas Ed. Television Comm'n v. Forbes*, 523 U. S. 666, 677 (1998) ("government properties"). Any control Mr. Trump exercised over the account greatly paled in comparison to Twitter's authority, dictated in its terms of service, to remove the account "at any time for any or no reason." Twitter exercised its authority to do exactly that.

Because unbridled control of the account resided in the hands of a private party, First Amendment doctrine may not have applied to respondents' complaint of stifled speech. See *Manhattan Community Access Corp. v. Halleck*, 587 U. S. ___, ___ (2019) (slip op., at 9) (a "private entity is not ordinarily constrained by the First Amendment"). Whether governmental use of private space implicates the First Amendment often depends on the government's control over that space. For example, a government agency that leases a conference room in a hotel to hold a public hearing about a proposed regulation cannot kick participants out of the hotel simply because they express concerns about the

THOMAS, J., concurring

new regulation. See *Southeastern Promotions, Ltd. v. Conrad*, 420 U. S. 546, 547, 555 (1975). But government officials who informally gather with constituents in a hotel bar can ask the hotel to remove a pesky patron who elbows into the gathering to loudly voice his views. The difference is that the government controls the space in the first scenario, the hotel, in the latter. Where, as here, private parties control the avenues for speech, our law has typically addressed concerns about stifled speech through other legal doctrines, which may have a secondary effect on the application of the First Amendment.

A

If part of the problem is private, concentrated control over online content and platforms available to the public, then part of the solution may be found in doctrines that limit the right of a private company to exclude. Historically, at least two legal doctrines limited a company's right to exclude.

First, our legal system and its British predecessor have long subjected certain businesses, known as common carriers, to special regulations, including a general requirement to serve all comers. Candeub, *Bargaining for Free Speech: Common Carriage, Network Neutrality, and Section 230*, 22 *Yale J. L. & Tech.* 391, 398–403 (2020) (Candeub); see also Burdick, *The Origin of the Peculiar Duties of Public Service Companies*, Pt. 1, 11 *Colum. L. Rev.* 514 (1911). Justifications for these regulations have varied. Some scholars have argued that common-carrier regulations are justified only when a carrier possesses substantial market power. Candeub 404. Others have said that no substantial market power is needed so long as the company holds itself out as open to the public. *Ibid.*; see also *Ingate v. Christie*, 3 *Car. & K.* 61, 63, 175 *Eng. Rep.* 463, 464 (N. P. 1850) (“[A] person [who] holds himself out to carry goods for everyone as a business . . . is a common carrier”). And this Court long ago suggested that regulations like those placed on common

THOMAS, J., concurring

carriers may be justified, even for industries not historically recognized as common carriers, when "a business, by circumstances and its nature, . . . rise[s] from private to be of public concern." See *German Alliance Ins. Co. v. Lewis*, 233 U. S. 389, 411 (1914) (affirming state regulation of fire insurance rates). At that point, a company's "property is but its instrument, the means of rendering the service which has become of public interest." *Id.*, at 408.

This latter definition of course is hardly helpful, for most things can be described as "of public interest." But whatever may be said of other industries, there is clear historical precedent for regulating transportation and communications networks in a similar manner as traditional common carriers. *Candeub* 398–405. Telegraphs, for example, because they "resemble[d] railroad companies and other common carriers," were "bound to serve all customers alike, without discrimination." *Primrose v. Western Union Telegraph Co.*, 154 U. S. 1, 14 (1894).²

In exchange for regulating transportation and communication industries, governments—both State and Federal—have sometimes given common carriers special government favors. *Candeub* 402–407. For example, governments have tied restrictions on a carrier's ability to reject clients to "immunity from certain types of suits"³ or to regulations that make it more difficult for other companies to compete with the carrier (such as franchise licenses). *Ibid.* By giving

²This Court has been inconsistent about whether telegraphs were common carriers. Compare *Primrose*, 154 U. S., at 14, with *Moore v. New York Cotton Exchange*, 270 U. S. 593, 605 (1926). But the Court has consistently recognized that telegraphs were at least analogous enough to common carriers to be regulated similarly. *Primrose*, 154 U. S., at 14.

³Telegraphs, for example, historically received some protection from defamation suits. Unlike other entities that might retransmit defamatory content, they were liable only if they knew or had reason to know that a message they distributed was defamatory. *Restatement (Second) of Torts* §581 (1976); see also *O'Brien v. Western Union Tel. Co.*, 113 F. 2d 539, 542 (CA1 1940).

these companies special privileges, governments place them into a category distinct from other companies and closer to some functions, like the postal service, that the State has traditionally undertaken.

Second, governments have limited a company's right to exclude when that company is a public accommodation. This concept—related to common-carrier law—applies to companies that hold themselves out to the public but do not “carry” freight, passengers, or communications. See, e.g., *Civil Rights Cases*, 109 U. S. 3, 41–43 (1883) (Harlan, J., dissenting) (discussing places of public amusement). It also applies regardless of the company's market power. See, e.g., 78 Stat. 243, 42 U. S. C. §2000a(a).

B

Internet platforms of course have their own First Amendment interests, but regulations that might affect speech are valid if they would have been permissible at the time of the founding. See *United States v. Stevens*, 559 U. S. 460, 468 (2010). The long history in this country and in England of restricting the exclusion right of common carriers and places of public accommodation may save similar regulations today from triggering heightened scrutiny—especially where a restriction would not prohibit the company from speaking or force the company to endorse the speech. See *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 684 (1994) (O'Connor, J., concurring in part and dissenting in part); *PruneYard Shopping Center v. Robins*, 447 U. S. 74, 88 (1980). There is a fair argument that some digital platforms are sufficiently akin to common carriers or places of accommodation to be regulated in this manner.

1

In many ways, digital platforms that hold themselves out to the public resemble traditional common carriers.

THOMAS, J., concurring

Though digital instead of physical, they are at bottom communications networks, and they “carry” information from one user to another. A traditional telephone company laid physical wires to create a network connecting people. Digital platforms lay information infrastructure that can be controlled in much the same way. And unlike newspapers, digital platforms hold themselves out as organizations that focus on distributing the speech of the broader public. Federal law dictates that companies cannot “be treated as the publisher or speaker” of information that they merely distribute. 110 Stat. 137, 47 U. S. C. §230(c).

The analogy to common carriers is even clearer for digital platforms that have dominant market share. Similar to utilities, today’s dominant digital platforms derive much of their value from network size. The Internet, of course, is a network. But these digital platforms are networks within that network. The Facebook suite of apps is valuable largely because 3 billion people use it. Google search—at 90% of the market share—is valuable relative to other search engines because more people use it, creating data that Google’s algorithm uses to refine and improve search results. These network effects entrench these companies. Ordinarily, the astronomical profit margins of these platforms—last year, Google brought in \$182.5 billion total, \$40.3 billion in net income—would induce new entrants into the market. That these companies have no comparable competitors highlights that the industries may have substantial barriers to entry.

To be sure, much activity on the Internet derives value from network effects. But dominant digital platforms are different. Unlike decentralized digital spheres, such as the e-mail protocol, control of these networks is highly concentrated. Although both companies are public, one person controls Facebook (Mark Zuckerberg), and just two control Google (Larry Page and Sergey Brin). No small group of people controls e-mail.

Much like with a communications utility, this concentration gives some digital platforms enormous control over speech. When a user does not already know exactly where to find something on the Internet—and users rarely do—Google is the gatekeeper between that user and the speech of others 90% of the time. It can suppress content by deindexing or downlisting a search result or by steering users away from certain content by manually altering autocomplete results. Grind, Schechner, McMillan, & West, *How Google Interferes With Its Search Algorithms and Changes Your Results*, Wall Street Journal, Nov. 15, 2019. Facebook and Twitter can greatly narrow a person's information flow through similar means. And, as the distributor of the clear majority of e-books and about half of all physical books,⁴ Amazon can impose cataclysmic consequences on authors by, among other things, blocking a listing.

It changes nothing that these platforms are not the sole means for distributing speech or information. A person always could choose to avoid the toll bridge or train and instead swim the Charles River or hike the Oregon Trail. But in assessing whether a company exercises substantial market power, what matters is whether the alternatives are comparable. For many of today's digital platforms, nothing is.

If the analogy between common carriers and digital platforms is correct, then an answer may arise for dissatisfied platform users who would appreciate not being blocked: laws that restrict the platform's right to exclude. When a platform's unilateral control is reduced, a government official's account begins to better resemble a "government-controlled spac[e]." *Mansky*, 585 U. S., at ____ (slip op., at 7); see also *Southeastern Promotions*, 420 U. S., at 547, 555

⁴As of 2018, Amazon had 42% of the physical book market and 89% of the e-book market. Day & Gu, *The Enormous Numbers Behind Amazon's Market Reach*, Bloomberg, Mar. 27, 2019.

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(recognizing that a private space can become a public forum when leased to the government). Common-carrier regulations, although they directly restrain private companies, thus may have an indirect effect of subjecting government officials to suits that would not otherwise be cognizable under our public-forum jurisprudence.

This analysis may help explain the Second Circuit's intuition that part of Mr. Trump's Twitter account was a public forum. But that intuition has problems. First, if market power is a predicate for common carriers (as some scholars suggest), nothing in the record evaluates Twitter's market power. Second, and more problematic, neither the Second Circuit nor respondents have identified any regulation that restricts Twitter from removing an account that would otherwise be a "government-controlled space."

2

Even if digital platforms are not close enough to common carriers, legislatures might still be able to treat digital platforms like places of public accommodation. Although definitions between jurisdictions vary, a company ordinarily is a place of public accommodation if it provides "lodging, food, entertainment, or other services to the public . . . in general." Black's Law Dictionary 20 (11th ed. 2019) (defining "public accommodation"); accord, 42 U. S. C. §2000a(b)(3) (covering places of "entertainment"). Twitter and other digital platforms bear resemblance to that definition. This, too, may explain the Second Circuit's intuition. Courts are split, however, about whether federal accommodations laws apply to anything other than "physical" locations. Compare, e.g., *Doe v. Mutual of Omaha Ins. Co.*, 179 F. 3d 557, 559 (CA7 1999) (Title III of the Americans with Disabilities Act (ADA) covers websites), with *Parker v. Metropolitan Life Ins. Co.*, 121 F. 3d 1006, 1010–1011 (CA6 1997) (en banc) (Title III of the ADA covers only physical places); see also 42 U. S. C. §§2000a(b)–(c) (discussing "physica[l]

locat[ions]”).

Once again, a doctrine, such as public accommodation, that reduces the power of a platform to unilaterally remove a government account might strengthen the argument that an account is truly government controlled and creates a public forum. See *Southeastern Promotions*, 420 U. S., at 547, 555. But no party has identified any public accommodation restriction that applies here.

II

The similarities between some digital platforms and common carriers or places of public accommodation may give legislators strong arguments for similarly regulating digital platforms. “[I]t stands to reason that if Congress may demand that telephone companies operate as common carriers, it can ask the same of” digital platforms. *Turner*, 512 U. S., at 684 (opinion of O’Connor, J.). That is especially true because the space constraints on digital platforms are practically nonexistent (unlike on cable companies), so a regulation restricting a digital platform’s right to exclude might not appreciably impede the platform from speaking. See *id.*, at 675, 684 (noting restrictions on one-third of a cable company’s channels but recognizing that regulation may still be justified); *PruneYard*, 447 U. S., at 88. Yet Congress does not appear to have passed these kinds of regulations. To the contrary, it has given digital platforms “immunity from certain types of suits,” *Candeub* 403, with respect to content they distribute, 47 U. S. C. §230, but it has not imposed corresponding responsibilities, like nondiscrimination, that would matter here.

None of this analysis means, however, that the First Amendment is irrelevant until a legislature imposes common carrier or public accommodation restrictions—only that the principal means for regulating digital platforms is through those methods. Some speech doctrines might still

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apply in limited circumstances, as this Court has recognized in the past.

For example, although a “private entity is not ordinarily constrained by the First Amendment,” *Halleck*, 587 U. S., at ___, __ (slip op., at 6, 9), it is if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint. *Ibid.* Consider government threats. “People do not lightly disregard public officers’ thinly veiled threats to institute criminal proceedings against them if they do not come around.” *Bantam Books, Inc. v. Sullivan*, 372 U. S. 58, 68 (1963). The government cannot accomplish through threats of adverse government action what the Constitution prohibits it from doing directly. See *ibid.*; *Blum v. Yaretsky*, 457 U. S. 991, 1004–1005 (1982). Under this doctrine, plaintiffs might have colorable claims against a digital platform if it took adverse action against them in response to government threats.

But no threat is alleged here. What threats would cause a private choice by a digital platform to “be deemed . . . that of the State” remains unclear. *Id.*, at 1004.⁵ And no party

⁵Threats directed at digital platforms can be especially problematic in the light of 47 U. S. C. §230, which some courts have misconstrued to give digital platforms immunity for bad-faith removal of third-party content. *Malwarebytes, Inc. v. Enigma Software Group USA, LLC*, 592 U. S. ___, ___ (2020) (THOMAS, J., statement respecting denial of certiorari) (slip op., at 7–8). This immunity eliminates the biggest deterrent—a private lawsuit—against caving to an unconstitutional government threat.

For similar reasons, some commentators have suggested that immunity provisions like §230 could potentially violate the First Amendment to the extent those provisions pre-empt state laws that protect speech from private censorship. See Volokh, *Might Federal Preemption of Speech-Protective State Laws Violate the First Amendment? The Volokh Conspiracy*, Reason, Jan. 23, 2021. According to that argument, when a State creates a private right and a federal statute pre-empts that state law, “the federal statute is the source of the power and authority by which any private rights are lost or sacrificed.” *Railway Employees v.*

* * *

Hanson, 351 U. S. 225, 232 (1956); accord, *Skinner v. Railway Labor Executives' Assn.*, 489 U. S. 602, 614-615 (1989).

GORSUCH, J., dissenting

SUPREME COURT OF THE UNITED STATES

JASON SMALL v. MEMPHIS LIGHT, GAS & WATER

**ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

No. 19-1388. Decided April 5, 2021

The petition for a writ of certiorari is denied.

JUSTICE GORSUCH, with whom JUSTICE ALITO joins, dissenting from the denial of certiorari.

For over a decade, Jason Small worked as an electrician at Memphis Light, Gas & Water. Then an on-the-job injury forced him into a new role as a dispatcher. This job came with a different schedule and mandatory overtime duties. Sometimes the new hours conflicted with Mr. Small's religious obligations, like worship services on Sunday mornings. So Mr. Small asked his employer to place him on reduced pay temporarily while he sought reassignment to a different position with a more conducive schedule. The company had a history of offering this same accommodation to other employees, including those removed from their positions for unsatisfactory job performance. But when it came to Mr. Small, the company balked.

That left Mr. Small to make the dispatcher role work as best he could. For a period, things went smoothly enough. Mr. Small even used his vacation days when necessary to attend church. Eventually, though, a problem arose. Mr. Small asked to use some of his vacation time on Good Friday. At first, the company agreed. Then it backtracked, canceling his vacation request. When Mr. Small went to church anyway, the company suspended him for two days without pay.

In response, Mr. Small filed suit seeking a ruling that the company's conduct violated Title VII. That federal statute prohibits discrimination on the basis of race, color, religion,

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sex, and national origin, and requires employers to afford requested religious accommodations unless doing so would impose an “undue hardship” on them. 78 Stat. 253, 255, 42 U. S. C. §§2000e(j), 2000e-2(a). At no point in the litigation did anyone suggest that Mr. Small’s requested accommodation—reduced pay while he sought reassignment—would have imposed a significant hardship on his employer. Yet both the district court and Sixth Circuit rejected Mr. Small’s claim all the same.

The courts explained that *Trans World Airlines, Inc. v. Hardison*, 432 U. S. 63 (1977), tied their hands. There, this Court dramatically revised—really, undid—Title VII’s undue hardship test. *Hardison* held that an employer does not need to provide a religious accommodation that involves “more than a *de minimis* cost.” *Id.*, at 84. So Mr. Small’s requested accommodation might not have imposed a significant hardship on his employer. The company may extend poorly performing employees the very same relief Mr. Small sought. But the company had no obligation to provide Mr. Small his requested accommodation because doing so would have cost the company something (anything) more than a trivial amount. See *Small v. Memphis Light, Gas & Water*, 952 F. 3d 821, 825 (CA6 2020) (*per curiam*).

Now, Mr. Small asks us to hear his case and I would grant his petition for review. *Hardison*’s *de minimis* cost test does not appear in the statute. The Court announced that standard in a single sentence with little explanation or supporting analysis. Neither party before the Court had even argued for the rule. *Patterson v. Walgreen Co.*, 589 U. S. ___, ___ (2020) (ALITO, J., concurring in denial of certiorari). Justice Marshall highlighted all these problems at the time, noting in dissent that the *de minimis* cost test cannot be reconciled with the “plain words” of Title VII, defies “simple English usage,” and “effectively nullif[ies]” the statute’s promise. *Hardison*, 432 U. S., at 88, 89, 93, n. 6 (Marshall, J., dissenting).

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Nor has time been kind to *Hardison*. In the intervening years, Congress has adopted additional civil rights laws using the “undue hardship” standard. And when applying each of those laws, courts are far more demanding. The Americans with Disabilities Act of 1990 (ADA) requires a covered employer to accommodate an employee’s “known physical or mental limitations” unless doing so would impose an “undue hardship.” 104 Stat. 332, 42 U. S. C. §12112(b)(5)(A). The Uniformed Services Employment and Reemployment Rights Act (USERRA) obliges an employer to restore a returning United States service member to his prior role unless doing so would cause an “undue hardship.” 38 U. S. C. §§4303(10), 4318(a)(1)(B), (a)(2)(B). And the Affordable Care Act (ACA) provides that a covered employer must provide a nursing mother with work breaks unless doing so would impose an “undue hardship.” 124 Stat. 577, 29 U. S. C. §207(r)(3). Under all three statutes, an employer must provide an accommodation unless doing so would impose “significant difficulty or expense” in light of the employer’s financial resources, the number of individuals it employs, and the nature of its operations and facilities. See ADA, 42 U. S. C. §12111(10)(A) (added 1990); USERRA, 38 U. S. C. §4303(15) (added 1994); ACA, 29 U. S. C. §207(r)(3) (added 2010); cf. 11 U. S. C. §523(a)(8); 28 U. S. C. §1869(j).

With these developments, Title VII’s right to religious exercise has become the odd man out. Alone among comparable statutorily protected civil rights, an employer may dispense with it nearly at whim. As this case illustrates, even subpar employees may wind up receiving more favorable treatment than highly performing employees who seek only to attend church. And the anomalies do not end there. Under the ADA, an employer may be required to alter the snack break schedule for a diabetic employee because doing so would not pose an undue hardship. *Spiteri v. AT & T Holdings, Inc.*, 40 F. Supp. 3d 869, 878 (E. D. Mich. 2014).

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Yet, thanks to *Hardison*, at least one court has held that it would be an undue hardship to require an employer to shift a meal break for Muslim employees during Ramadan. *EEOC v. JBS USA, LLC*, 339 F. Supp. 3d 1135, 1181 (D. Colo. 2018). With *Hardison*, uneven results like these have become increasingly commonplace. See Brief for Muslim Advocates et al. as *Amici Curiae* 21–22 (collecting examples).

Not even Mr. Small's employer tries to defend this state of affairs. The company candidly acknowledges that *Hardison* "very likely is not the best possible gloss" on Title VII's language. Brief in Opposition 23. Two of the three judges on the panel below agreed, writing separately to explain their view that *Hardison* "rewr[ote] [the] statute." *Small*, 952 F. 3d, at 826–829 (Thapar, J., joined by Kethledge, J., concurring). Yet, today, this Court refuses even to entertain the question. It's a struggle to see why.

Maybe the most charitable explanation for the Court's inaction has to do with issue preservation. But if that's the worry, there is no reason for it. Both the district court and the court of appeals expressly passed on the question whether Mr. Small's employer violated Title VII by denying his requested accommodation. That is all our precedent demands. *United States v. Williams*, 504 U. S. 36, 41–43 (1992). The district court ruled that "placing Mr. Small back in the reassignment pool on reduced pay to wait for a job with hours more in line with [his] religious obligations would . . . place more than a de minimis burden on" the company. App. to Pet. for Cert. 35a. For that reason, the court said, the company "sufficiently satisfied its obligation to demonstrate . . . [an] undue hardship." *Ibid.* While two members of the Sixth Circuit panel assigned to Mr. Small's case doubted *Hardison*, none doubted what it required. Because his requested accommodation involved "more than [a] de minimis" cost, the court held, the company didn't have to provide it. *Small*, 952 F. 3d, at 825 (*per curiam*) (citing

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circuit precedent following *Hardison*).

I cannot see what more we could reasonably require. Mr. Small insisted that his requested accommodation would not cause an undue hardship under Title VII. Both the district court and court of appeals rejected the argument relying expressly on *Hardison*. There is no barrier to our review and no one else to blame. The only mistake here is of the Court's own making—and it is past time for the Court to correct it.

Exhibit P

DOCKET NO: UWY-CV186046436 : SUPERIOR COURT
ERICA V. LAFFERTY : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET AL : APRIL 14, 2021

DOCKET NO: UWY-CV186046437 : SUPERIOR COURT
WILLIAM SHERLACH : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES : APRIL 14, 2021

DOCKET NO: UWY-CV186046438 : SUPERIOR COURT
WILLIAM SHERLACH : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES : APRIL 14, 2021

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S:

Representing the Plaintiff(s):

ATTORNEY CHRISTOPHER MATTEI
ATTORNEY MATTHEW BLUMENTHAL
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Representing Defendant(s):

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HARTFORD, CT 06103

Recorded and Transcribed By:

Janet M. Orozco
Court Recording Monitor
Waterbury Superior Court
400 Grand Street
Waterbury, Connecticut 06702

1 THE COURT: Hi. Good morning, everyone. This
2 is Judge Bellis and we are on the record in the three
3 consolidated Lafferty v. Jones matters. I hope
4 everyone is safe and well. Let me start off with
5 that.

6 Before we get going I'm just going to ask
7 everyone to please make sure devices are muted so
8 that we don't get any feedback and, of course, we'll
9 --

10 COURT MONITOR: Judge --

11 THE COURT: -- unmute, and please, just as a
12 courtesy to the court reporter and for all of us,
13 please *(indiscernible)* the video can actually see
14 who's talking with ease. So --

15 COURT MONITOR: Your Honor --

16 THE COURT: -- the first order of business --

17 COURT MONITOR: -- you keep breaking in and out.

18 THE COURT: Okay.

19 COURT MONITOR: I don't think you have a good
20 connection.

21 THE COURT: Okay.

22 *(experiencing technical difficulties)*

23 COURT SERVICES OFFICER: All right everyone, if
24 you hang on for a minute, I need to send the judge
25 the link again to see if that fixes her issues.

26 THE COURT: All right. Let's try again.

27 Attorney Ferraro, are you able to hear me?

1 You're muted.

2 So, one more time, Attorney Ferraro, you're
3 muted. Can you just tell me if -- how the sounds
4 are?

5 COURT SERVICES OFFICER: Yes, Your Honor, I
6 apologize.

7 THE COURT: Okay.

8 COURT SERVICES OFFICER: I'm getting an email
9 from Mr. Graziano. And when I look, we are not
10 streaming to the YouTube channel as we are supposed
11 to. So, Mr. Graziano can't hear anything. I don't
12 know why that is.

13 THE COURT: All right. So, why don't we -- and
14 just for the record, Mr. Graziano was the Connecticut
15 Public Radio media person who had requested to
16 participate, you know, by recording or filming, and I
17 relayed that to counsel and counsel had no objection.

18 So, why don't we do this, why don't we go on
19 pause for five minutes. And you can re-mute,
20 Attorney Ferraro, and if you want to call to see if
21 we can make arrangements. All right? And I'll mute
22 as well.

23 *(Pause in recording)*

24 THE COURT: All right. We'll continue to wait
25 for a few minutes while Attorney Ferraro attempts to
26 work out the technical issues.

27 *(Pause in recording)*

1 THE COURT: Okay. Let's go back on the record
2 and I'm going to ask counsel to put their videos back
3 on, if they would.

4 Terrific. All right, so let's run it up the
5 flagpole one more time.

6 So, just for the record, we are on the record
7 for these three Lafferty v. Alex Jones consolidated
8 cases.

9 As I was trying to say before -- I know there
10 was some problem with my audio then -- I'm just going
11 to ask that everyone mute their device, and unless
12 you're addressing the Court leave it on mute, and I'm
13 going to actually do the same. I will mute my device
14 as well, so that the court reporter doesn't have any
15 problems with feedback.

16 Also, every time that you address the Court, if
17 you would please re-identify yourself because it --
18 there might be a problem with some people with video
19 and they might not necessarily know easily who's
20 talking. So, if you could just say your name each
21 time you re-address the Court that would be great.

22 So, as I said before, and I'm not sure if you
23 heard it or not, Connecticut Public Radio had
24 requested permission to film or record and I put that
25 out to counsel, no one had an objection. I do want
26 to say that if there is any difficulty with that
27 today, with the broadcasting, I'm going to order a

1 transcript and I'll place the transcript of today's
2 proceeding in the court files because I do want to
3 make sure that we're as transparent as possible and
4 it may be right now that we are not broadcasting on
5 YouTube as we generally have been with civil
6 proceedings, and rather than make everybody wait more
7 to see if we can possibly fix that glitch, we should
8 probably get started, because I think actually this
9 actual status conference is going to be shorter than
10 the wait that you just had trying to fix the
11 technical difficulties.

12 So, if I could, I'm going to start with
13 plaintiff's counsel and if you could please identify
14 yourself for the record.

15 ATTY. MATTEI: Good morning, Your Honor, this is
16 Chris Mattei on behalf of the plaintiffs and I'm
17 joined by Attorney Matt Blumenthal.

18 ATTY. BLUMENTHAL: Good morning, Your Honor.

19 THE COURT: Good morning.

20 And for the defendants?

21 ATTY. WOLMAN: Good morning, Your Honor, this is
22 Jay Wolman of Randazza Legal Group for defendants
23 Alex Jones, Free Speech Systems, InfoWars, InfoWars
24 Health and Prison Planet TV.

25 THE COURT: All right. And --

26 MR. ANDERSON: Good morning, Your Honor.

27 THE COURT: -- (indiscernible, verbal overlap)

1 was the other one, and I do hope --

2 MR. ANDERSON: This is Ted Anderson --

3 THE COURT: I'm only looking for counsel of
4 record to identify themselves. So, if there are more
5 counsel of record, feel free; otherwise, I don't need
6 any participants. Since this is open to the public,
7 I don't need anyone else to identify themselves. But
8 welcome to all, and I hope everyone is well.

9 MR. ANDERSON: But, Ted Anderson, as part of
10 Genesis.

11 THE COURT: All righty.

12 So, I've reviewed the files. I think I've
13 gotten myself up to speed. It looks like these
14 matters were remanded from Federal Court last month
15 after being there around three-and-a-half-, four
16 months following their second removal to Federal
17 Court. And it seems to me that there were also
18 recent withdrawals as to the Halbig and Midas
19 defendants. So, if I don't have it wrong, we have
20 only the Jones defendants remaining.

21 So, one of the things that we need to do today
22 is obviously get on track with a new schedule order
23 and trial date. It looks like our -- it looks like
24 we had an original trial date in November, 2020, as
25 far as I can see.

26 Then we had a new scheduling order. And I was
27 looking at the one that was filed November 12, 2020

1 at entry number 308, and that had a March-April jury
2 selection trial date. I was -- I don't see any
3 reason why that can't hold. That's a solid year from
4 now, all of the -- *(indiscernible due to technical*
5 *difficulties)* -- I looked at that scheduling order.
6 It looked like we might have to tweak a few of the
7 dates in there, for example closing the pleadings and
8 such, but given that the case is three years old, you
9 know, I'm not looking to -- I'm not looking to push
10 it out even further for trial.

11 So, just give me one moment.

12 So, that's one thing I want to do. And I'm
13 going to give each of you an opportunity to be heard
14 as well.

15 It looks like the other thing that we had,
16 before it was removed for the second time, is we had
17 the defendant's motion to strike, that was filed back
18 on October 9, 2020. I see that we had a briefing
19 schedule for the opposition and the reply, and we had
20 an argument date, but then it was removed. So, we
21 need to get -- you know, because obviously we want to
22 close the pleading. So, today we will also get the
23 new dates for filing the opposition, filing the
24 reply, and get -- we'll get an argument date for that
25 motion to strike. I assume, Attorney Wolman, that
26 you're looking for argument.

27 And then the other thing I want to do is I want

1 to keep what we were doing before, which is I want
2 regular monthly status conferences and we'll -- I
3 think the way that we should do it is what we did
4 before, which I believe was we picked a particular --
5 I can't remember -- second Tuesday, you know, of the
6 month, every month. And I'm just going to say the
7 same thing that I said when we did it before: I don't
8 have a need to have a status conference every month
9 if everyone agrees and the Court agrees that we have
10 no business. So, if there's nothing going on and
11 there's nothing to adjudicate and there's no bumps in
12 the road with the scheduling order, we don't have to
13 have it every month, but I do want it on the books so
14 that it's easy.

15 I would like to have you submit to Attorney
16 Ferraro maybe a brief agenda if there is anything to
17 discuss, before the status conference, maybe two or
18 three days beforehand, so I can make sure that I've
19 looked at everything and I know what's going on.
20 But, having said that, if at any time there's
21 anything that's urgent that needs to be adjudicated
22 and you can't wait for that monthly status
23 conference, that's fine, you can file an RSA or you
24 can reach out to Attorney Ferraro by email and we'll
25 make sure that we deal with whatever has to get
26 adjudicated.

27 So, why don't I start with plaintiff's counsel

1 and then I'll turn to defense counsel to see if
2 there's any concerns that anyone has before we sort
3 of tackle these issues, although I did see that there
4 is -- Attorney Ferraro told me that there is a
5 scheduling order that's being circulated, I guess
6 now, to see if you can agree upon dates.

7 So, Attorney Mattei, did you want to speak for
8 the plaintiffs?

9 ATTY. MATTEI: Sure. Thank you and good
10 morning, Your Honor.

11 With respect to the remaining defendants in the
12 case, I did just want to point out that we have
13 withdrawn against Mr. Halbig and Midas. Genesis
14 Communications remains a defendant in the case; they
15 are not appearing, but they remain a defendant in the
16 case, in addition to the defendants represented by
17 Attorney Wolman.

18 As to the scheduling order contemplated by the
19 Court, we did circulate a proposal to Attorney Wolman
20 on Monday, and then to Mr. Ferraro this morning. We
21 would be -- We would welcome maintaining the same
22 trial date with whatever modifications the Court
23 wants to make. The proposal we submitted pushes back
24 the existing trial date by about two months, really
25 to accommodate for the time between any filing of a
26 dispositive motion and the Court's ruling on it, but
27 that time period can obviously be modified. And if

1 the Court is comfortable maintaining the existing
2 trial date, we are fine with that.

3 As to the motion to strike, we calculated what
4 our responsive deadline is based on the days that had
5 elapsed, both prior to and after removal, and we have
6 a responsive deadline for our opposition of April 26,
7 2021, which we believe we'll be able to meet.

8 As to the status conferences in the future, we
9 are fine with maintaining the third Wednesday of
10 every month, which I think is what the Court had said
11 prior to removal.

12 And then I just also wanted to note initially
13 that there are some pending matters -- and I don't
14 know if the Court wants to take them up today or not
15 -- but there are some pending motions, including
16 objections to two depositions that I believe had been
17 fully briefed.

18 THE COURT: Thank you, Attorney Mattei.

19 Attorney Wolman, whenever you're ready.

20 ATTY. WOLMAN: Thank you, Your Honor.

21 Let me just briefly hit that last point, those
22 two motions regarding discovery have not been fully
23 briefed, if I could correct that; we have not filed a
24 response on that. So, we would still need to do
25 that.

26 As to the scheduling order in general, there was
27 one proposed back in November that was docketed. I

1 don't believe it was entered by the Court at that
2 time. And subsequently we need to -- and with Mr.
3 Anderson here listening in, who is a representative
4 of Genesis Communications, assuming that they
5 participate; certainly we would need their input --
6 but, you know, we're looking at a case where if the
7 plaintiffs are going to be responding to the motion
8 to strike in twelve days and then we would have an
9 opportunity to reply, I don't know when the Court
10 would hear that; but then when the Court would
11 adjudicate that, would affect when the pleadings
12 close, would affect when we know who is in the case,
13 who's not; what claims are in the case, what claims
14 aren't; and then be able to fashion discovery,
15 presumably, based on that; and, ultimately,
16 subsequent summary judgment, should the case proceed
17 that far, it has to be considered; and, you know,
18 when the pleadings would close.

19 The pleadings might not close for, you know,
20 another six-, seven months at this point, you know.
21 We have a -- If the motion to strike is denied, you
22 know, we would have to file an answer; there may be
23 special defenses, there would be replies to those --
24 I'm not trying to drag this out, but rather just
25 simply point out normal litigation practice. So, I
26 don't think that the current schedule works. And
27 while I appreciate Mr. Mattei circulating a proposed

1 schedule, I still think that that's a little
2 ambitious.

3 THE COURT: All right. Thank you, Attorney
4 Wolman.

5 So, let me go through each of these points --
6 and I'm now understanding who Mr. Anderson is, and
7 he's certainly welcome to listen in, but because he
8 is not a party and there -- he cannot obviously
9 represent Genesis Communication unless he's got a --
10 unless he's got a Connecticut juris number, which I
11 don't think is the case -- he certainly can listen in
12 and Genesis Communications can certainly have an
13 attorney appear for it, but I'm not going to go any
14 further with Mr. Anderson at this point.

15 So, let me go through several other points. So,
16 I think the easy one is that the Wednesday status
17 conferences --

18 What is it, Attorney Ferraro, is it the second
19 or third Wednesday of the month, is that when we're
20 doing this?

21 COURT SERVICES OFFICER: For this particular
22 case, Your Honor?

23 THE COURT: Yes. Did we use second or third
24 Wednesdays?

25 COURT SERVICES OFFICER: It's been so long I
26 don't remember. Let me see...

27 ATTY. MATTEI: Your Honor, Chris Mattei. It was

1 the third Wednesday.

2 THE COURT: Okay.

3 ATTY. MATTEI: Yeah, we never got to it, but it
4 was the third Wednesday.

5 THE COURT: Yeah.

6 Attorney Wolman, that works for you, as well,
7 the third Wednesday of the month as the standing
8 status conference date?

9 ATTY. WOLMAN: As a general proposition that
10 should be fine. I mean, there may be, I'm sure,
11 particular instances where a particular Wednesday
12 might not work, but right now I don't see any reason
13 why not to.

14 THE COURT: That'll be the standing -- the
15 standing status conference date and we'll do 10
16 o'clock. We're probably going to do many, if not all
17 of these, remotely. I don't see, even in the future
18 when we are past the pandemic, why we couldn't do it
19 remotely, but chances are you'll be able to work your
20 schedules around it and to -- that would take too
21 long.

22 All right. So, with respect to the motion to
23 strike, Attorney Mattei will file his opposition by
24 April 26.

25 I looked at the old order for the last motion to
26 strike and it looks like we gave you, Attorney
27 Wolman, if I'm not mistaken, six weeks, which is very

1 generous, but I'm happy to continue that generosity
2 -- it looks like we gave you around six weeks to file
3 your reply. So, that would put us through, say, the
4 first week of June for your reply --let's say June
5 1st. That's more than enough time.

6 And then if we do the third Wednesday of the
7 month, that would be June 15th. So, we will argue
8 that motion to strike on that June 15th status
9 conference date. So, that should take care of that
10 without any problem. Okay.

11 ATTY. MATTEI: Your Honor, before we move onto
12 the motion to strike, in the spirit of generosity, we
13 are well into drafting our opposition. We will
14 likely seek an enlargement of the number of pages for
15 our opposition. And I just wanted to alert the Court
16 to that now to see if you'd be willing to accommodate
17 us? We're happy to submit a motion, as well,
18 requesting that. But our ability to get it in on the
19 26th, I think, if we have some extra pages, that's
20 what we would need, if that's okay?

21 THE COURT: Attorney Wolman, do you want to
22 address that now or do you want a formal motion to be
23 filed? I'm sure that if you extend that, if you
24 needed more pages for your reply, Attorney Mattei
25 would have no problem. I personally don't have a
26 problem. But is that something you want to talk
27 about now or have a formal motion filed?

1 ATTY. WOLMAN: Thank you.

2 THE COURT: I don't want to keep you on the
3 spot.

4 ATTY. WOLMAN: No, no, that's fine, I don't
5 mind.

6 How many pages are we talking about? I'm
7 assuming --

8 ATTY. MATTEI: About fifteen.

9 ATTY. WOLMAN: Is that fifteen extra?

10 ATTY. MATTEI: Yes.

11 ATTY. WOLMAN: That's fine.

12 ATTY. MATTEI: Thank you.

13 THE COURT: Okay.

14 And I assume, Attorney Mattei, Attorney Wolman
15 can have fifteen extra pages in his reply, if needed?

16 ATTY. MATTEI: Perfectly fine.

17 THE COURT: And we don't have to go through a
18 formal motion process. Okay, that was easy enough.

19 And just give me one moment.

20 So, as far as I can see, Genesis Communications
21 has not been defaulted for failure to appear yet. Is
22 that correct?

23 ATTY. MATTEI: That is correct, Your Honor.

24 THE COURT: Okay.

25 All right. So, your close of pleading dates
26 would mean they're either appearing and closing their
27 pleadings or they would -- I mean, obviously, to file

1 a trial (indiscernible) -- was claimed, they either
2 need to close their pleadings or be defaulted. So,
3 whatever trial list -- whatever close of pleadings
4 date they can pick, the pleadings have to be closed
5 as to Genesis, as well.

6 So, for the trial date, we definitely had in the
7 system the new trial date of next year and it looks
8 like we picked out the actual voir dire dates and the
9 actual evidence dates.

10 And, Attorney Mattei, you had said something
11 about circulate -- and I wanted to stay with that
12 date, that's a year from now and I'm not going to
13 have any problems ruling on the motion to strike and
14 your pleadings, and obviously your discovery is going
15 to proceed forward while the pleadings are open.
16 There's no, you know, law in Connecticut that you
17 don't do discovery while your pleadings are open, so
18 I fully expect that you'll continue with that.

19 So, I -- I would -- if both sides wanted to push
20 the trial a couple of months to June, I could live
21 with that, grudgingly. I don't see that it's
22 necessary. The only reason that I might do that is
23 if -- if both sides agree and your trial schedules
24 require it. But I'm certainly not -- I won't go any
25 later than that. So, I sure hope it's something that
26 you can work out, because I think as I said before,
27 and in this case, if you can't work out your

1 scheduling order deadlines and if you can't agree to
2 your own trial date, I'll do it unilaterally, and I
3 will just enter the order. So, its sure better if
4 you can agree on your scheduling order. So, what I
5 would say is I'm not going to babysit you on that,
6 I'm not going to stay on the record and work you
7 through those dates, but I encourage you when I get
8 off and we go off the record you could stay and, you
9 know, off the record and work on the dates right now
10 with Attorney Ferraro, and if you're able to come to
11 an agreement on the scheduling order, then, you know,
12 Attorney Ferraro will let me know and he'll give it
13 to me and I'm sure I'll approve of it.

14 All I need is four months from the argument of
15 the summary judgment date to the trial date. So, if
16 you go with the June trial date, for example, instead
17 of the April trial date, so if you go with the June
18 trial date you just simply need to argue your motion
19 for summary judgment sometime next February. All
20 right? So, just to give you an idea.

21 I will say this: if you agree entirely on your
22 scheduling order deadlines and your trial date, I
23 will give it to you. If you do not have total
24 agreement on your scheduling order on each line and
25 the trial date, then I don't -- I'm not going to
26 consider your separate proposals, I'm just going to
27 go in there and sit down and I will do all the

1 deadlines for your pleadings and discovery. I've had
2 to do it in other cases before. I don't enjoy doing
3 it, but that's -- that's how it will be. And you can
4 hear what I'm saying is that I would prefer to go
5 with the April trial date. So, if you don't have an
6 agreement on your entire scheduling order I'm going
7 to stay with that April trial date, but I certainly
8 encourage you to work it out yourself. And if you do
9 agree to June on both sides then I will honor that,
10 but I say again "grudgingly" because it's not what I
11 want to do, but I would honor that agreement.

12 So, what I want to do now, if I can, is also
13 come up with a briefing schedule for any outstanding
14 motions that either side has.

15 So, I know I got -- Attorney Wolman, I got your
16 motion to strike. I did pick up on that one. So, I
17 know you want that adjudicated.

18 So, starting with you, was there any other
19 motion that you filed that either is in your mind
20 ready for adjudication or needs some further briefing
21 schedule to get it ready for adjudication, whether
22 its discovery or otherwise?

23 ATTY. WOLMAN: I'm sorry, Your Honor, was that
24 directed to me?

25 THE COURT: Yes, I did -- I -- I'm sorry,
26 Attorney Wolman, I thought I said your name, but
27 maybe I just thought it instead.

1 ATTY. WOLMAN: The plaintiffs do have two
2 motions pending. So, I believe the ball would be in
3 their court.

4 THE COURT: Right. I understand that. But
5 before -- I know they do, but I just wanted to double
6 check with you to make sure that besides the motion
7 to strike that you didn't have anything else that was
8 filed that is either fully briefed and ready to go or
9 needs to get briefed, anything --

10 ATTY. WOLMAN: No, Your Honor.

11 THE COURT: -- at this point that -- Okay.

12 So, Attorney Mattei, you mentioned that you had
13 some things that you thought were briefed, but
14 Attorney Wolman says they're not briefed. So, can
15 you just give me -- give us one motion at a time, if
16 you can, and by the date that it was filed and an
17 entry number.

18 ATTY. MATTEI: Yes, Your Honor.

19 Docket numbers -- this is in the Lafferty
20 matter, Judge -- 305 and 306, both --

21 THE COURT: All right. Just give me one moment
22 -- one moment.

23 Okay. Thank you. So, 305 and 306.

24 ATTY. MATTEI: Those are the Jones defendants
25 objections to our notices of deposition for Ms.
26 Karpova and Ms. Flores filed on November 6, 2020,
27 which included legal argument in support of the

1 objections. We filed our opposition to those
2 objections which are -- including a supplemental
3 opposition which are reflected at numbers 307 and 311
4 of the docket. We also filed an affidavit attesting
5 to the parties efforts to resolve Mr. Wolman's
6 objections, which is reflected at number 313 on the
7 docket. As far as we're concerned, the arguments
8 both in support and in opposition to Mr. Wolman's
9 objections, have been presented and are ready for
10 adjudication.

11 Separately --

12 THE COURT: All right. Just give -- just give
13 me one second, Attorney Mattei.

14 ATTY. MATTEI: Uh-hmm.

15 THE COURT: All right. So, when I look at it,
16 it would seem to me that even though they're entitled
17 objections, it's really the defendant's motion and it
18 would -- that they should be entitled to file a reply
19 since it's their motion, although it's entitled
20 objections. So, they filed their objection, you
21 filed your response to it, and I think they should be
22 given an opportunity to file a reply if they so
23 choose.

24 So, I want to just take each of your groupings
25 separately so that I know what I'm doing.

26 So, Attorney Wolman, are you looking to file a
27 reply, I suppose, to the -- to these deposition

1 issues?

2 ATTY. WOLMAN: Yes, Your Honor. And if I may,
3 the reason I said that they were also not fully
4 briefed is because entry number 310 is a separate
5 motion which includes much of the same argument by
6 plaintiffs.

7 THE COURT: So, is your objection in response to
8 that motion?

9 ATTY. WOLMAN: I have not filed a response to
10 that motion. So, we have, essentially, right now,
11 two sets of docket entries, that while the motion --
12 plaintiff's motion goes beyond the scope of just the
13 objections to the deposition, otherwise, you know, do
14 focus on the same -- some of the same issues. So, I
15 think that they would normally be considered
16 together, presumably, by the Court. And so we have
17 --

18 THE COURT: All right. Well, I'm thinking
19 that's not necessarily the case, since it's broader.
20 So, my question to you is are you looking to file
21 anything in response to 307 and 311 that Attorney
22 Mattei just referred to?

23 So, we're looking at your objections to
24 depositions at 305, 306. I assume you're either
25 going to claim these objections or you're telling me
26 now you're withdrawing them. So, if you're claiming
27 them, then we're going to get it briefed and I'm

1 going to take them on the papers. If you're
2 withdrawing them, then I'm going to put an order on
3 them that they're withdrawn. So, are you pursuing
4 305 and 306?

5 ATTY. WOLMAN: Yes, Your Honor.

6 THE COURT: Okay. So, you need to then -- if
7 you want, and I believe you told me already that you
8 do want to file a reply to this set of pleadings.
9 Correct?

10 ATTY. WOLMAN: Yes, Your Honor.

11 THE COURT: Okay. So, today is the 14th. April
12 28th, two weeks for a reply, and then I'm going to go
13 in there and review it on the papers. And if I need
14 argument or want argument I will let you all know.
15 Otherwise, you'll get a ruling. So, that's the first
16 set of documents.

17 All right. So, again, Attorney Mattei, did you
18 have a -- you had a second grouping?

19 ATTY. MATTEI: Yes, Your Honor. The next motion
20 that we filed is our motion to re-compel compliance,
21 docket 309, filed November 12, 2020. And, in short,
22 Your Honor, that motion was filed to essentially
23 summarize for the Court the defendant's outstanding
24 discovery obligations that in our view had not been
25 complied with going back to the initial sanction.

26 THE COURT: Okay. But that is obviously not
27 fully briefed. I don't see any responsive pleading

1 to that, am I correct?

2 ATTY. MATTEI: Correct.

3 THE COURT: Okay.

4 So, with respect to the motion for order at
5 entry number 309 of November 12th, Attorney Wolman,
6 I'll put the ball in your court. How much time would
7 you like to file your opposition to that? I think
8 you probably need more than two weeks for that one
9 since it's not just a reply. So, give me a date that
10 works for you that's reasonable, that I'm going to
11 accept, to reply to that.

12 ATTY. WOLMAN: Yes, Your Honor. You know,
13 honestly, May 5th would be fine; one week beyond that
14 April 28th date.

15 THE COURT: Okay. So, May 5th.

16 And then, Attorney Mattei, if you choose to file
17 a reply, when would you like to file that by?

18 ATTY. MATTEI: Within ten days of the
19 opposition.

20 THE COURT: All right. So, that would be no
21 later than -- well, ten days is May 15th. Can we go
22 with May 14th --

23 ATTY. MATTEI: Yes.

24 THE COURT: -- as the outside date?

25 ATTY. MATTEI: Yes, Your Honor.

26 THE COURT: Okay. And the same procedure for
27 that. I will take that on the papers. There's no

1 way to argument, but certainly if I need argument I
2 will sure let you know.

3 And, Attorney Mattei, do you have any other
4 motions that were filed that need to get a briefing
5 schedule?

6 ATTY. MATTEI: Yes, Your Honor. We also filed
7 docket number 310, which has not yet been opposed,
8 which is our motion for an order governing deposition
9 procedures. And, in short, what we are anticipating
10 was kind of like the problem we're seeing now, that
11 if we're going to have a tight discovery schedule we
12 will need also, we think, certain procedures and
13 timeframes within which to resolve discovery
14 disputes, and so we have proposed that in this
15 motion.

16 THE COURT: Okay.

17 Attorney Wolman, do you want the same May 5th
18 date for that?

19 ATTY. WOLMAN: Yes, Your Honor. Thank you.

20 THE COURT: And the same reply date, does that
21 work, Attorney Mattei?

22 ATTY. MATTEI: That's fine, Your Honor. The one
23 thing I would ask --

24 THE COURT: Okay.

25 ATTY. MATTEI: -- in connection with that
26 motion, Your Honor, is if we are planning to -- we
27 are planning to notice depositions, you know, within

1 this week. And so we would ask that those
2 depositions can proceed even in the absence of, you
3 know, the Court resolving that motion setting
4 discovery procedures. We don't want to be waiting
5 essentially to depose anybody for the next months
6 while the Court is considering --

7 THE COURT: Right. Well, I'm going to say the
8 same thing to you that I say on all my cases: file
9 your notice of deposition. If somebody moves for a
10 protective order, then that protective order has to
11 get written on, it's an emergency item, and granted,
12 because the filing of a motion for a protective order
13 or a motion to quash, or whatever you want to file,
14 doesn't mean anything unless it's granted.

15 So, if you have a situation where there's a
16 deposition notice and somebody files a motion for a
17 protective order or a motion to quash, don't think
18 filing that is going to mean that the deposition goes
19 off; it's not -- that's not how I operate, but I make
20 myself available and so does Attorney Ferraro. So,
21 if somebody has a problem -- and what I'm not going
22 to have is, you know, you schedule a deposition -- on
23 either side, I'm not directing this to anyone in
24 particular -- but say, for example, you schedule a
25 deposition for thirty days from now, I'm -- the other
26 side is not going to be filing a motion for
27 protective order or a motion to quash on day twenty-

1 nine, okay, that will not -- that will not work. You
2 file it timely, reach out to Attorney Ferraro, and we
3 will get it on and I will rule on it. So, there's --
4 that's -- in every case I say the same thing. So, I
5 think that's pretty straightforward, okay.

6 All right. Anything else from you, Attorney
7 Mattei?

8 ATTY. MATTEI: No, Your Honor.

9 THE COURT: Okay.

10 All right. Anything else, Attorney Wolman, from
11 you that we might have missed?

12 ATTY. WOLMAN: Not at this time, Your Honor.

13 THE COURT: Okay.

14 So, Ron, our next regularly status -- scheduled
15 status conference will be what date then if we're
16 looking at --

17 COURT SERVICES OFFICER: Your Honor, if we're
18 doing the third Wednesdays, it would be May 19th.

19 THE COURT: Okay.

20 COURT SERVICES OFFICER: I do want to add that
21 earlier, when we talked about the argument date for
22 the motion to strike, coupling that with the June
23 status conference, we had said it was June 15th,
24 that's a Tuesday, it's really June 16th --

25 THE COURT: Indeed. Okay. Yes, I said -- It is
26 the 16th. You're correct. And I am incorrect on
27 that.

1 Okay. All right.

2 If we have nothing else then I'm going to thank
3 everyone. I hope everyone stays well. We're going
4 to go off the record, we will stop recording. And if
5 you want to either use this line to stay on with
6 Attorney Ferraro, because I am directing you to work
7 on your scheduling order now, and I do hope that
8 you're able to give him an entirely completed
9 scheduling order so that I don't have to do the dates
10 myself; or if you would prefer, if the three of you
11 want to get off Microsoft Teams and do it on a phone
12 call, that's fine with me too. I'm not going to
13 participate in it and it's not necessary for anyone
14 else to participate.

15 Okay. So, thank you very much. And we are
16 adjourned.

17 ATTY. MATTEI: Thank you, Your Honor.

18 (Adjourned.)

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DOCKET NO: UWY-CV186046436 : SUPERIOR COURT
ERICA V. LAFFERTY : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET AL : APRIL 14, 2021

DOCKET NO: UWY-CV186046437 : SUPERIOR COURT
WILLIAM SHERLACH : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES : APRIL 14, 2021

DOCKET NO: UWY-CV186046438 : SUPERIOR COURT
WILLIAM SHERLACH : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES : APRIL 14, 2021

C E R T I F I C A T I O N

I hereby certify that the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Waterbury, Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 14th day of April, 2021.

Dated this 15th day of April, 2021, in Waterbury, Connecticut.

Janet M. Orozco
Court Transcribing Monitor

DOCKET NO: UWY-CV186046436 : SUPERIOR COURT
ERICA V. LAFFERTY : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET AL : APRIL 14, 2021

DOCKET NO: UWY-CV186046437 : SUPERIOR COURT
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ALEX EMRIC JONES : APRIL 14, 2021

DOCKET NO: UWY-CV186046438 : SUPERIOR COURT
WILLIAM SHERLACH : JUDICIAL DISTRICT
OF WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES : APRIL 14, 2021

E L E C T R O N I C C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Waterbury, Waterbury, Connecticut, before the Honorable Barbara Bellis, Judge, on the 14th day of April, 2021.

Dated this 15th day of April, 2021 in Waterbury,
Connecticut.



Janet M. Orozco
Court Recording Monitor

Exhibit Q

DOCKET NO: X06-CV-18-604643609S: SUPERIOR COURT
ERICA LAFFERTY, ET ALS., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

+++++
DOCKET NO.: X06-CV-18-6046437S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

+++++
DOCKET NO.: X06-CV-18-6046438S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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Recorded By:
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400 Grand Street
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DOCKET NO: X06-CV-18-604643609S: SUPERIOR COURT
ERICA LAFFERTY, ET ALS., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

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DOCKET NO.: X06-CV-18-6046437S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
PLAINTIFFS, :
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ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

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DOCKET NO.: X06-CV-18-6046438S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
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v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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Jocelyne Greguoli

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400 Grand Street
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1 THE COURT: All right. Good -- Good morning,
2 everyone. This is Judge Bellis and we're on the
3 record in the Lafferty versus Jones related matters.
4 I'll just use the one docket number CV-18-6046436.

5 And I'm going to ask counsel just first, as a
6 general reminder, unless you're addressing the Court,
7 please make sure that your device is muted so that we
8 don't have a problem with feedback for the court
9 reporter and also, it looks like everyone pretty much
10 has their name signed in, but in any event, just each
11 time you're addressing the Court, if you would
12 restate your name just to make it easier for the
13 monitor who is not sitting in the courtroom right
14 now.

15 Okay. So starting with plaintiffs' counsel.
16 And I hope everyone is safe and well.

17 ATTY. MATTEI: Thank you and good morning, Your
18 Honor. It's Chris Mattei on behalf of the plaintiffs
19 and I'm joined by my colleagues, Alinor Sterling and
20 Matt Blumenthal.

21 THE COURT: Just give us one moment, please.

22 Attorney Mattei, can you just, one more time,
23 state your name for the record? Let's see if we have
24 -- Because right now I don't have audio.

25 ATTY. MATTEI: Sure. Can you hear me now, Your
26 Honor?

27 THE COURT: Okay. Do you have audio on yours?

1 THE COURT OFFICER: Yeah. If I unplug it --

2 THE COURT: Just bear with us. Technical
3 difficulties.

4 All right. Attorney Mattei, one last time.

5 ATTY. MATTEI: Can you hear me, Your Honor?

6 THE COURT: I can.

7 ATTY. MATTEI: Okay. Good morning. This is
8 Chris Mattei on behalf of the plaintiffs in the three
9 related matters. I'm joined by my colleagues Alinor
10 Sterling and Matt Blumenthal.

11 THE COURT: Good morning.

12 ATTY. STERLING: Good morning, Your Honor.

13 THE COURT: And for the Jones defendants?

14 ATTY. WOLMAN: Yes, Your Honor. Good morning.
15 This is Jay Wolman of Randazza Legal Group for
16 defendants Alex Jones; Free Speech Systems, LLC;
17 Infowars, LLC; Infowars Health, LLC; and Prison
18 Planet TV, LLC.

19 THE COURT: All right. And I know Attorney
20 Ferraro reached out to the new counsel for Genesis
21 Communications and since they were not involved in
22 the motions, they were not required to attend,
23 although certainly, they could attend. I don't see
24 anyone here now and that's fine.

25 I am going to order a transcript of today's
26 proceedings and place it in the file because I'm not
27 sure that we ended up streaming, so just so that we

1 have transparency, I'm going to do that.

2 So before I get started, I've -- I've reviewed
3 everything, I believe, in connection with what I was
4 -- the emergency motion for protective order and I
5 just want to find out first, starting with the
6 plaintiff and then defense counsel, whether there are
7 any new developments that are not reflected in the
8 motion for protective order related filings.

9 Anything that I should know from the plaintiffs'
10 perspective?

11 ATTY. MATTEI: Chris Mattei, Your Honor.
12 There's -- There's nothing else that I'm aware of.

13 THE COURT: Okay. And Attorney Wolman, anything
14 that you're aware of that -- any new developments?

15 ATTY. WOLMAN: I don't believe so, at least
16 nothing that would otherwise come up except in the
17 context of arguing as to the propriety of the
18 plaintiffs' request.

19 THE COURT: Okay. So I'm not -- We're -- I'm
20 not sure what you mean by that.

21 ATTY. WOLMAN: I mean just in general as to our
22 ability to coordinate with, for example, the
23 witnesses to produce the information because -- the
24 -- the deponents, as it were, because they are
25 insisting instead that Free Speech Systems now be the
26 one, even though they're directed.

27 Similarly, the needs of, for example, a new

1 mother and, you know, her fears of Your Honor
2 allowed, for example, the issue of her personal
3 contact information documentation be provided to
4 plaintiffs which, under the orders, they're allowed
5 to share with their clients, they're allowed to share
6 with potentially Mr. Bengston (phonetic) which can
7 get out to the world and, you know, place her in
8 significant fear.

9 THE COURT: Well, that's a separate issue that I
10 would think would be -- we could actually take that
11 up maybe ahead of time.

12 So have you had any -- Is there any personal
13 information -- and I don't see that that was in the
14 filings that I was adjudicating today, but is there
15 any kind of personal identifying information that --
16 for either of these deponents that you were asking
17 plaintiffs' counsel not to disseminate in a certain
18 manner and you were not able to reach an agreement
19 such that you're going to file something with the
20 Court?

21 ATTY. WOLMAN: Well, it hasn't yet come up. It
22 hasn't, you know, fully ripened. However, Your
23 Honor, I should note that, you know, Your Honor
24 allowed request, I believe it was number five to Ms.
25 Karpova from the original notice, which specifically
26 requires production of her personally identifying
27 information in a highly politically contentious case.

1 THE COURT: All right. So I'm not --

2 ATTY. WOLMAN: (Audio dropped) employee.

3 THE COURT: You -- You will not have an
4 opportunity to reargue your objections, but generally
5 speaking, in appropriate cases, if there is
6 information along the lines, and I'm not saying in
7 this case, but trade secrets or other, you know,
8 personal identifying information, medical reports and
9 the -- in the appropriate case, when there is a
10 concern from counsel, they reach out, have
11 discussions, and either have a formal order of
12 confidentiality or some other order, but if you're
13 now suggesting that you can't reach an agreement with
14 Attorney Mattei or plaintiffs' counsel about
15 information that you should -- believe should not be
16 disseminated, then file a motion and I'll adjudicate
17 it, but it was not brought to my attention, so that's
18 like another layer of issues that was not raised and
19 appropriately filed.

20 ATTY. WOLMAN: Your -- Your Honor, it -- She
21 didn't have an infant when we filed the objections
22 back in I think it was the end of October.

23 THE COURT: She -- I'm sorry?

24 ATTY. WOLMAN: She did not have the infant at the
25 time we originally filed the objection.

26 THE COURT: I can't --

27 ATTY. WOLMAN: She has a newborn.

1 THE COURT: All right. She did not have?

2 ATTY. WOLMAN: A newborn baby at the time we
3 filed the objections back in the end of October.

4 THE COURT: I -- I understand that, but you're
5 talking about her -- the production of confidential
6 -- her personal identifying confidential information.

7 ATTY. WOLMAN: Yes. The witness raised a
8 concern for us as to that -- as to a new issue or her
9 new concern is that she's now being made in a highly
10 politically contentious case where who knows who's
11 going to come out of the woodwork to harass her that
12 they would get ahold of this information. And while
13 there is, of course, a protective order already in
14 this case, it's broad enough that, you know, the
15 plaintiffs' counsel could then share that with their
16 clients or potentially Mr. Bengston (phonetic) who
17 can then disseminate it to anyone in the world.

18 THE COURT: Just give me one moment, if you
19 would. I'm having some audio issues so just give me
20 one moment.

21 All right. I'm going to try with the headphones
22 at this point because I'm having a difficult time
23 with the audio.

24 So I think what I'm going to do first is deal
25 with the issues that I'm going to deal with and rule
26 on the things that I need to rule on and then if
27 there are additional issues that were not raised in

1 the briefs, then we can try to discuss them and if
2 it's something that an agreement can be reached on
3 today, that's fine. If not, you know, the
4 appropriate filings can be made, but at this point,
5 I'm not looking to not rule on these issues.

6 So Attorney Wolman, can you hear me?

7 ATTY. WOLMAN: Yes, I can, Your Honor.

8 THE COURT: Okay.

9 ATTY. WOLMAN: Can you hear me?

10 THE COURT: I -- I can now. I can now. Okay.

11 All right. So I'm going to ask you to mute and
12 I'm going to address the motions that were before me.
13 I have read everything. There's no argument as of
14 right on the motions and because there were such full
15 and complete filings, I really don't need any
16 clarification or argument.

17 So in the November 6, 2020 objections to the
18 Flores and Karpova depositions, the Jones defendants,
19 and I'm just -- if I just refer to defendants, for
20 purposes of today, I am just referring to the Jones
21 defendants, not to the newly appearing defendants or
22 any other defendants, but the Jones defendants cited
23 six bases for the objections to the depositions.

24 One, that there was no good cause for the
25 deposition; secondly, that there was an application
26 for a stay filed with the U.S. Supreme Court which,
27 in fact, by the way, was denied the day before the

1 objection was filed and was never corrected by the
2 Jones defendants. The third basis was that the
3 notice itself was facially defective; the fourth
4 basis was that the deponents were not officers,
5 directors, or managing agents and a subpoena would be
6 required; the fifth basis was that defense counsel
7 wanted to attend the per -- in person, but objected
8 due to Covid; and the sixth was the document
9 objection.

10 So in the initial filing, understandably, back
11 in November of 2020, there was no mention at all of
12 avail -- unavailability of either witness in the
13 defendants' objections, but there was no mention of
14 the witness' -- either witness' unavailability in the
15 16 page reply that was filed just last week.

16 So when the Court -- In -- In essence, I
17 reviewed over 70 pages of filings in connection with
18 the defendants' motion and at no point, especially in
19 their 16 page reply, did the defendants disclose what
20 appears to be a material issue that the deponents
21 were reportedly unavail -- unavailable, regardless of
22 what the Court's order was, so the position of the
23 defendants was the witnesses aren't available and we
24 can't produce them for the depositions, but never
25 mentioned them while the Court was reviewing over 70
26 pages of filings.

27 So that is something that should have been put

1 forth in the -- at least when it was known in the
2 reply that was filed just last week because clearly,
3 the Jones defendants were aware that Ms. Karpova was
4 on maternity leave when they filed their reply last
5 week and that Ms. Flores was claiming that she was
6 medically unavailable. That would have been the time
7 to bring it to the attention of the Court.

8 I'm not suggesting -- I don't know and I don't
9 really need to know at this point that -- Attorney
10 Wolman, that you knew when you filed your reply, but
11 clearly the Jones defendants who that reply was filed
12 on behalf of knew of the situation of their -- of
13 their employees. So that I find to be sort of
14 problematic that this fundamental fact was omitted
15 from the reply.

16 So that leads to the second problem and this one
17 is directed more towards counsel. I -- I took -- I
18 took the time and I made it painfully clear -- I
19 could not have made it any clearer by words or by the
20 filing of the transcript at our April 14th hearing --
21 that depositions do not get cancelled or go off
22 simply by the filing of a motion for protective order
23 or a motion to quash by the other side; that such a
24 motion had to be timely filed and that it had to be
25 granted in order for the deposition not to go
26 forward. I put that transcript right in the file.

27 So instead, what we have here is the defendants

1 filed a motion for protective order on May 5th for a
2 May 6th deposition and a May 7th deposition and that
3 motion for protective order also addressed,
4 obviously, the production requests. So it's, you
5 know, essentially more than two weeks after the
6 notice of deposition and after -- after defense
7 counsel was aware of -- of the -- of the
8 unavailability of the witnesses. So under no
9 circumstances what I call the protective order, the
10 emergency protective order filed on May 5th for the
11 May 6th deposition and production requests, under no
12 circumstances would I call that timely. I would call
13 it untimely.

14 So now, despite my clear instructions, not to
15 mention the rules of practice that we all practice
16 under, the defendants are asking me to protect them
17 from depositions and production requests, one of
18 which was to take place today and one of which was to
19 take place tomorrow -- tomorrow and I am at a loss as
20 to why counsel informed plaintiffs' counsel last
21 Friday of the reported unavailability, but didn't
22 file anything with the Court until yesterday, again,
23 the day before the deposition and document
24 productions were due.

25 So getting to where we are, as I'm understanding
26 it, the parties have now agreed that the deposition
27 of Ms. Karpova will take place following her return

1 from maternity leave July 28th. I understand there's
2 not an agreement. I understand -- I've read what the
3 filings were, but I understand that there's an
4 agreement that it won't take place during her
5 maternity leave and I also understand that there is
6 an agreement that Ms. Flores' deposition will not
7 take place before her return to work on May 19th.

8 So I just want to point out for the record that
9 while an agreement has been reached that the
10 depositions will not take place before then, I -- I
11 just want to make clear that we're all on the same
12 page that the Court is not part of that agreement.
13 That is your agreement. I would -- did not consider
14 any evidence. I didn't have any hearings. I'm not
15 making any findings, for example, that Ms. Flores was
16 protected by Court order from testifying due to
17 medical reasons.

18 I'm glad you were able to at least come to
19 consensus on that, but whether or not the Court would
20 have issued orders of protection is -- is not at play
21 here because you've -- you've agreed that the
22 depositions will not take place before those dates.

23 So in any event, in the filings, the defendants
24 asserted that these two witnesses were not high-level
25 employees and the Court sees no reason that their
26 supervisors or that other employees could not gather
27 the production materials which, right now, are due

1 today and tomorrow because no protective order ever
2 issued on the depositions or the production requests.

3 So today is May 6th. I'm going to order that
4 the documents be disclosed no later than the close of
5 business, 5 p.m., on Friday, May 14th. I am not in
6 any way, shape, or form suggesting that either of
7 those individuals take away time from their maternity
8 leave or from their medical leave to gather the
9 documents. I'm simply going with the understanding,
10 based on what the defendants have filed, that these
11 are not high-level employees and that there obviously
12 then are employees above their paygrade who can
13 gather the limited documents that were requested.

14 With respect to the depositions themselves,
15 based on your agreement that they would not take
16 place while the individuals were out on maternity
17 leave and out due to illness, I'm ordering that the
18 deposition of Ms. Flores take place by June 4th or
19 within one week of her return to work, whichever is
20 earlier. I understand that she, I believe, was due
21 to return to work, I think May 19th, if I'm reading
22 my notes right.

23 And the deposition of Ms. Kar -- Karpova is
24 ordered to take place by August 6th or one week of
25 her return, whichever is earlier. So if she returns
26 from her maternity week -- leave on July 28th, then
27 her deposition will take place by August 6th, but if

1 she returns earlier than that, it will take place
2 earlier, within a week of her return, whatever is
3 earlier.

4 So I now want to go back to the ground rules and
5 then after I refresh everybody's recollections on
6 ground rules and how we're all going to conduct
7 ourselves as parties and as attorneys, I'll then see
8 if I can take up the issue of personal identifying
9 information and whatever else Attorney Wolman's
10 concern is and if we need to look at a particular
11 production request, if we can do this informally, I'm
12 happy to do it. I have the feeling that it's not
13 going to be an issue.

14 So my next -- My first comments with respect to
15 ground rules and how we're going to conduct ourself
16 going forward is I just want to remind the parties,
17 through their counsel, that evidence is to be
18 marshalled by the parties fairly. Fairness.
19 Fundamental fairness. Competitive discovery is
20 permissible. All right. And obstructive tactics are
21 sanctionable. It's really that simple.

22 My next comments, sadly, are directed to
23 counsel, not the parties. So as you will all recall,
24 with a very heavy heart in this case, I had
25 previously referred the Jones defendants' prior
26 counsel to the disciplinary authorities. Because I
27 do not wish to do that again, I am directing counsel

1 -- and that's all counsel in this case -- to review
2 the relevant sections of the Rules of Professional
3 Conduct.

4 All right. It is good for all of us to review
5 the rules. It's a good reminder for all of us to
6 look at what is and what is not considered attorney
7 misconduct under the rules and I truly mean this to
8 be a general reminder that counsel need to abide by
9 the rules of professional conduct for their own sake
10 -- sakes. It is not meant to be harsh or heavy-
11 handed. All right?

12 So with that, I'm going to have -- just refer
13 counsel, and obviously you do this on your own time,
14 just review, if you would, Rule of Professional
15 Conduct 3.2, Expediting Litigation. A lawyer shall
16 make reasonable efforts to expedite litigation
17 consistent with the interests of the client.
18 Dilatory practices may be misconduct. It is that
19 simple. All right. So just take a look at the rule,
20 take a look at the commentary.

21 Rule 3.3, Candor Towards the Tribunal. All
22 right. I was somewhat concerned at the time with the
23 filing that suggested that there was a -- the request
24 for the stay that was pending with the United States
25 Supreme Court, but the filing itself was filed the --
26 after it had already been denied and no subsequent
27 filing was ever made with the Court that the Court

1 saw by the Jones defendants. You may all get notice
2 from higher courts when you appeal to the US Supreme
3 Court, but I was the last one -- I would be the last
4 one to find out, so it was incumbent upon whoever --
5 whatever counsel made that filing to correct it
6 because it was -- it was not -- it was not correct.
7 It's that simple.

8 And I would also refer you to Rule 3.4, Fairness
9 To Opposing Party And Counsel. Subsection (4), a
10 lawyer shall not counsel or assist another person to
11 do any such act in pretrial procedure, make a
12 frivolous discovery request, or fail to make
13 reasonably diligent efforts to comply with a legally
14 proper discovery request by an opposing party.

15 All right. So just -- Just refresh your
16 familiarity with those sections so that as we move
17 forward, we can hopefully avoid any -- any further
18 issues.

19 All right. So I think I've -- I've addressed
20 the issues with respect to when the depositions are
21 going to take place and I've addressed the issues
22 with respect to the deadlines for the document
23 production. All right.

24 Now, Attorney Wolman, did you want to direct me
25 to a partic -- I'll -- I'll try to do this if we can.
26 I'm not sure we can do it today, but is there a
27 particular production request that you're concerned

1 with that you would like me to look at because I'm
2 happy to do it.

3 ATTY. WOLMAN: Yes, Your Honor, but before we do
4 that, I do need to correct the record on Your Honor's
5 admonitions.

6 The -- The objections to the depositions filed
7 back in November, we had not yet received notice from
8 the Supreme Court by then of that and af -- of the
9 denial of the stay. With the -- At the time we
10 filed, it had not yet been adjudicated or at least we
11 had not yet received notice of it, rather.

12 And once, of course, opposing counsel made the
13 Court aware of that, if Your Honor wants us to file,
14 yes, we agree or yes, we acknowledge pleadings, so be
15 it, but we did not raise that issue again when we
16 filed our reply last month.

17 Similarly, as to the issues of when issues are
18 raised before the Court, if Your Honor wants
19 overlapping motions as to the same matters, fine. We
20 will do that going forward. But we raised the issue
21 as soon as -- with opposing counsel as soon as Your
22 Honor adjudicated the objections and then Mr. Mattei
23 emailed Mr. Ferraro on Monday the 3rd seeking a
24 status conference on the issue. When we had not
25 heard by close of business on the 4th, we filed on
26 the 4th and the Court's order acknowledges that we
27 filed later that day on the 4th, although it's E-

1 filed, treated as being on the 5th.

2 So we did timely raise this issue as reasonably
3 practical --

4 THE COURT: I --

5 ATTY. WOLMAN: -- and possible following Your
6 Honor's admonition.

7 THE COURT: All right. So counsel, here's what
8 I would say moving forward: Attorney Ferraro is a
9 wonderful court officer and I don't say that just
10 because he's sitting in the courtroom with me, but he
11 is here to help you with scheduling and things along
12 those lines. You're not going to call him to ask him
13 whether you should file a certain motion because he's
14 not going to be able to give you legal advice and I
15 made it clear that we're not going to have issues
16 with last minute filings.

17 I don't want to get into a colloquy here. I
18 said what I said. I made my ruling. I will just say
19 in the future moving forward for your own sake that
20 if you do, because at least with respect to the app
21 -- the application for the stay with the US Supreme
22 Court, what you filed with the Court on that day
23 represented something that, in fact, was not accurate
24 and I -- I would say it would have been incumbent
25 upon you to correct what you had filed.

26 I did learn subsequently that it wasn't correct,
27 but I just think just as we move forward, if it's

1 your or -- or even an innocent -- and I'm not saying
2 it was anything but an innocent mistake, but it would
3 be incumbent upon you to just correct that mistake
4 because I don't want to have continued problems
5 moving forward.

6 So I'm not going to have a colloquy here. I'm
7 not going to ask Attorney Mattei to weigh in on
8 anything that I said. I ruled on when the
9 depositions were to take place. I ruled on -- on the
10 production requests. If you would like me to look --
11 And -- And that's how it stands at this point.
12 There's no order of protection with respect to
13 dissemination of any of the materials.

14 If you want to try to informally look at a
15 particular production request because you're
16 concerned about personal identifying information or
17 about the deponents, then I'm more than happy to try
18 to look at it and see if we can informally fashion
19 something that take -- alleviates your concerns and
20 your employ -- the two employees that we're talking
21 about, about their concerns.

22 So I have my case up if you want to direct me to
23 one of the production requests. I'm sure we can try
24 to -- to figure it out on --

25 ATTY. WOLMAN: Thank you, Your Honor.

26 THE COURT: Yeah.

27 ATTY. WOLMAN: I don't know which one you'd be

1 looking at, but it's the last one of the Karpova
2 request.

3 THE COURT: Oh, so --

4 ATTY. WOLMAN: It was five originally. Now,
5 it's down to four because they struck one.

6 THE COURT: All right. So if you give me a
7 moment, let me go through and if anyone, in the
8 meantime, knows where I -- on which motion or which
9 entry number I can easily see it, just pipe up.
10 Otherwise, I'll skip around. I -- I know I saw it
11 originally. I just, right now, sitting here don't
12 know which one it's in.

13 ATTY. MATTEI: Your Honor, one thing I can do is
14 share my screen. I have it up right now. Would that
15 be useful?

16 THE COURT: If we can -- If we can. I'm not
17 sure.

18 ATTY. MATTEI: Certainly. Let me see if --

19 THE COURT: I'm not sure I --

20 ATTY. MATTEI: Oh, only a meeting organizer can
21 --

22 ATTY. WOLMAN: I -- I believe I did attach them
23 to the motion for -- the emergency motion, Your
24 Honor.

25 THE COURT: Okay. Let me -- That's probably
26 where I saw them. Just give me one moment and I'll
27 --

1 ATTY. WOLMAN: And so that would be 326.00.

2 THE COURT: Okay. I'm in there. And let me
3 just --

4 ATTY. WOLMAN: I believe I would have.

5 THE COURT: Yeah. I'm pretty sure that's where
6 I saw them.

7 ATTY. MATTEI: It's Exhibit A.

8 THE COURT: Okay. Great.

9 ATTY. WOLMAN: So it would be on page nine --
10 eight of the PDF.

11 THE COURT: I have Schedule -- a Schedule A with
12 four items.

13 ATTY. WOLMAN: Yes, Your Honor. That's --

14 THE COURT: Okay.

15 ATTY. WOLMAN: -- attached to the Karpova depo
16 notice and it would be number four, all
17 electronically stored contact information for the
18 deponent, Alex Jones and David Jones, including, but
19 not limited to, mobile telephone numbers, email
20 addresses, and residential addresses.

21 THE COURT: Okay. And Attorney Mattei, is that
22 something that you can address because I'm quite
23 certain that none of us want our residential
24 addresses and telephone numbers disseminated
25 publicly.

26 ATTY. MATTEI: Yes, of course, Your Honor.

27 THE COURT: I don't --

1 ATTY. MATTEI: I -- I think that step one would
2 be for Attorney Wolman to mark those documents as
3 confidential under the existing protective order
4 which would trigger a number of restrictions on us.

5 He's correct that under the existing protective
6 order, confidential materials may be disseminated to
7 a specific group of people who have signed the
8 protective order and agreed to be bound by its
9 restrictions, including any other counsel, but if
10 Attorney Wolman feels that those provisions are not
11 sufficient for at least Ms. Karpova's information,
12 I'm happy to discuss that with him and I don't think
13 we'd have any problem with retaining her information
14 solely within counsels' possession even though that
15 would be broader than the existing protective order.

16 If that would put her at ease and put him at
17 ease, we can do that. We -- We would make the same
18 accommodation for either Alex Jones or David Jones,
19 but again, they have the same protection over the
20 protective order as anything else.

21 THE COURT: Attorney Wolman, does that alleviate
22 your concerns?

23 ATTY. WOLMAN: I mean, we do appreciate Mr.
24 Mattei keeping Ms. Karpova's information AEO. Still
25 don't quite understand why they even need it or how
26 this is even relevant.

27 THE COURT: But we're not going to -- We're not

1 -- We're not going down that road. I -- I am --
2 That, we're not going to do.

3 Okay. So what else for today, if anything?

4 ATTY. MATTEI: One other matter, Your Honor,
5 from the plaintiffs -- I'm sorry. Can you hear me,
6 Your Honor?

7 THE COURT: I can.

8 ATTY. MATTEI: The plaintiffs filed a motion to
9 compel yesterday. We were hoping to get a briefing
10 schedule on that. This relates to our second set of
11 requests for production which were initially
12 propounded in November and have been pending more
13 than 60 days while this Court has had jurisdiction
14 over it and so we filed a motion to compel yesterday.
15 We're hoping to get a briefing schedule on that.

16 THE COURT: All right. Just give me one moment.

17 ATTY. MATTEI: This is -- I don't have the
18 docket number. I'm sorry.

19 THE COURT: I have it. I have it.

20 ATTY. MATTEI: Okay.

21 THE COURT: Just give me one moment if you don't
22 mind.

23 It looks like our next status conference is May
24 19th so I want it adjudicated -- I want to adjudicate
25 everything that I can before that date so that we can
26 see where that takes us.

27 So how long before that date do you need,

1 Attorney Wolman, to file your response to the motion?

2 ATTY. WOLMAN: Well, Your Honor, that's a little
3 bit complex of a question, I would say. It's a
4 little bit -- I don't think Your Honor realizes that
5 there are certain inaccurate presumptions in it
6 because it certainly -- our opposition to the motion
7 would reference our forthcoming objections which are
8 not yet due. Their calculations are grossly wrong
9 and our actual response date is May 20th.

10 THE COURT: Well, why don't we try to see if we
11 can figure that out now because obviously, there's
12 some disagreement as to, so --

13 ATTY. WOLMAN: Sure, Your Honor. Last month,
14 Mr. Mattei did a calculation based upon when his
15 opposition to the motion to strike would be due. I
16 believe it was on page nine of the transcript and
17 specifically calculated it based off of -- and while
18 he didn't explicitly say it, he calculated it based
19 off of the April 2nd date, the actual remand
20 occurred.

21 The motion filed yesterday calculates based upon
22 an order for remand that was dated May -- March 5th,
23 however, the March 5th order was not the actual
24 remand. Remand does not occur until mailing and I'm
25 happy to brief that issue, however, that -- based
26 upon that very same calculation, if they were truly
27 abiding that, then they should withdraw their

1 objection to the motion to strike as untimely.

2 The same math applies to us as it does to them.
3 There are -- is not separate Alex Jones exception to
4 the rules, at least there shouldn't be.

5 THE COURT: I think that we need to be
6 consistent for sure. I do know that objections to
7 motions to strike are not waived when they're --
8 under the law when they're not timely filed, that
9 routinely people file objections, but objections to
10 discovery requests are waived when they don't fall
11 within the time frame. I'm not commenting on that.

12 I haven't looked at the remand -- the date to
13 the remand, but I agree, Attorney Wolman, that we
14 should be consistent with what we're doing here, but
15 I do want to say that there is no waiver of the
16 filing of an opposition to a motion to strike. In
17 the old days, under the Practice Book, in fact, there
18 was. If you didn't timely object to a motion to
19 strike, you -- you -- you waived your right, but we
20 changed the rules of practice, so sometimes they're
21 filed really late, but discovery objections on the
22 other hand, if there's not an extension of time that
23 was granted or you have this unique situation like
24 the remand, you lose the right to file the
25 objections.

26 So it may be something then that has to get
27 briefed unless you're prepared to respond and unless

1 you agree with Attorney Wolman, Attorney Mattei,
2 because we sure would like to be consistent here.

3 ATTY. MATTEI: Yeah. So I think Attorney
4 Sterling will handle the substance of the motion. I
5 would just say that when we -- the Court requested a
6 briefing proposal from us on the motion to strike and
7 we offered to brief it in accordance with our
8 calculation at the time or when it otherwise would
9 have been due.

10 I do think it's important to have, to the extent
11 we are calculating, anything pegged to the -- the
12 remand, we should be consistent and I'll just ask
13 Attorney Sterling to comment on -- on her
14 calculation.

15 ATTY. STERLING: Yes, Your Honor. Attorney
16 Sterling for the record. So I agree about
17 consistency and I think what I need to do is go back
18 and check the dates. We certainly don't want to be
19 inconsistent in our calculations. So I -- I think
20 that that's what we should do.

21 You know, it's -- It's helpful to hear Attorney
22 Wolman's position on it. I just -- I don't want to
23 race into recounting the dates, but if -- if we did
24 -- if we were inconsistent, then we would withdraw
25 the motion.

26 THE COURT: Right. And that would not be the
27 end of the world. You know, I -- I don't want to --

1 We don't have to be so hyper-technical here. This is
2 a rare case where there was a remand and it's -- it's
3 somewhat harsh to cut such a fine line with the
4 objections such that the defendants would lose their
5 right to -- to -- to file objections when they
6 intended on filing their objections.

7 So I would suggest to you that if it's a close
8 call or if you're in an inconsistent position, that
9 you just err on the side of withdrawing and let them
10 file their objections which clearly, they would have
11 intended to file but for the timing issues with the
12 remand.

13 ATTY. STERLING: Yeah. Understood, Your -- Your
14 Honor. Our -- And again, for the record, Attorney
15 Sterling. Our goal is simply to move forward and --
16 and do that in a fair way.

17 THE COURT: Okay. All right. So because it's
18 not -- I agree with you, Attorney Wolman, it's not
19 quite as simple as I thought and you might need a
20 little more time for briefing if counsel doesn't
21 withdraw.

22 Why don't we say -- Today's the 6th. Why don't
23 we say two weeks from the date they tell you whether
24 or not they're going to pursue their motion or not.
25 Okay? And so it doesn't look like I'll be able to
26 adjudicate it before our next status conference, but
27 at least we'll -- we'll figure out what we're doing

1 in that regard. Okay?

2 And hope -- And obviously, Attorney --
3 plaintiffs will take a look at it could we say in the
4 next -- today's Thursday. By Monday can you let
5 Attorney Wolman know your position as to whether
6 you're going to --

7 ATTY. STERLING: Yes.

8 THE COURT: -- withdraw it or not?

9 ATTY. STERLING: Excuse me, Your Honor.

10 THE COURT: Okay.

11 ATTY. STERLING: Attorney Sterling. I didn't
12 mean to talk over you, Your Honor.

13 THE COURT: That's okay.

14 ATTY. STERLING: I apologize.

15 THE COURT: I'm having a hard time. Okay.

16 ATTY. STERLING: (Audio dropped) to have a
17 position by -- by tomorrow at the latest.

18 THE COURT: Okay. All right.

19 All right. Attorney Wolman, anything from you?
20 I see that everyone's -- that everyone's filing along
21 the lines of what we had talked about last time with
22 dates, so that looks like it's all getting underway.
23 Are there any other issues that you -- you want to
24 address at this time, any -- any briefing schedules,
25 anything?

26 ATTY. WOLMAN: I don't believe so, Your Honor.

27 THE COURT: Okay. All right. Thank you very

1 much.

2 As I said, we'll order a transcript, place it in
3 the file and I hope everyone stays safe and well.

4 All right. And we're adjourned.

5 ATTY. WOLMAN: Thank you, Your Honor.

6 ATTY. STERLING: Thank you, Your Honor.

7 (The matter concluded.)
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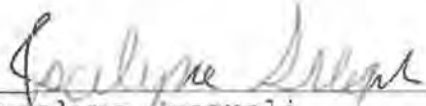
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DOCKET NO: X06-CV-18-604643609S: SUPERIOR COURT
ERICA LAFFERTY, ET ALS., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :
+++++
DOCKET NO.: X06-CV-18-6046437S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :
+++++
DOCKET NO.: X06-CV-18-6046438S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Complex litigation, Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 6th day of May, 2021.

Dated this 7th day of May, 2021 in Waterbury, Connecticut.


Jocelyne Greguoli
Court Recording Monitor

NO. X06-UWY-CV18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : OCTOBER 27, 2021

NO. X06-UWY-CV18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : OCTOBER 27, 2021

NO. X06-UWY-CV18-6046438-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : OCTOBER 27, 2021

MEMORANDUM IN OPPOSITION TO MOTION TO RECUSE

The Jones defendants' Motion to Recuse is merely a collateral attack on rulings made by this Court in June 2019 and affirmed by the Supreme Court in July 2020 – it is hard to imagine a weaker or more speculative recusal argument than the one presented here. This Court has fairly executed its duties to rule on the issues presented to it, to control the court process, and to protect against the disruption or abuse of judicial processes. The execution of those duties is not bias, nor is it the appearance of bias. The Court's duty in response to this Motion to Recuse is clear: faced with litigants who seek to remove the Court for tactical purposes and whose arguments are the weakest speculation, the Court has a duty *not* to recuse. For all these reasons, the Motion to Recuse must be denied.

I. STANDARD ON MOTION FOR RECUSAL

Recusal and disqualification are controlled by Practice Book §§ 1-22 and 1-23.

A judge should disqualify herself from acting in a matter if required by Rule 2.11 of the Code of Judicial Conduct, “which provides in relevant part that ‘[a] judge shall disqualify himself ... in any proceeding in which the judge's impartiality might reasonably be questioned including, but not limited to, the following circumstances ... [t]he judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.’ Code of Judicial Conduct 2.11(a)(1).” *Stefanoni v. Darien Little League, Inc.*, 160 Conn. App. 457, 464 (2015) (quoting *State v. Rizzo*, 303 Conn. 71, 118 (2011)).

“In applying this rule, [t]he reasonableness standard is an objective one. Thus, the question is not only whether the particular judge is, in fact, impartial but whether a reasonable person would question the judge’s impartiality on the basis of all the circumstances.” *Stefanoni*, 160 Conn. App. at 464. The objective observer is deemed to have full knowledge of the record:

Courts should determine questions as to the appearance of impropriety or bias not by considering what a straw poll of the partly informed man-in-the-street would show or on the basis of possibilities and unsubstantiated allegations. Courts instead should examine the record, facts, and the law and then decide whether a reasonable person, if fully informed of the facts and circumstances underlying the grounds on which disqualification was sought, would conclude that the court's impartiality might reasonably be questioned, would harbor significant doubts about the judge's impartiality, or would disqualify the judge even though no actual bias has been shown.

Tracey v. Tracey, 97 Conn. App. 278, 285 n.6 (2006) (emphasis supplied) (quoting R. Flamm, *Judicial Disqualification: Recusal and Disqualification of Judges* (1996) § 5.8.2, p. 171).

“Judges have an obligation to litigants and their colleagues not to remove themselves needlessly ... because a change of umpire in mid-contest may require a great deal of work to be redone (as the insurers ask here) and facilitate judge-shopping.” *Matter of Nat'l Union Fire Ins.*

Co. cf Pittsburgh, Pa., 839 F.2d 1226, 1228 (7th Cir. 1988). “A judge has an affirmative duty ... not to disqualify himself unnecessarily.” *National Auto Brokers Corp. v. General Motors Corp.*, 572 F.2d 953, 958 (2d Cir.1978); *Securities and Exchange Comm'n v. Grossman*, 887 F.Supp. 649, 658 (S.D.N.Y.1995). “Otherwise, litigants would be encouraged to advance speculative and ethereal arguments for recusal and thus arrogate to themselves a veto power over the assignment of judges.” *Thomas v. Trustees for Columbia Univ.*, 30 F. Supp. 2d 430, 431 (S.D.N.Y. 1998).

“[T]he burden rests with the party urging disqualification to show that it is warranted.” *Stefanoni*, 160 Conn. App. at 465.

II. FACTUAL BACKGROUND

The standard requires that the Court “examine the record, facts, and the law and then decide whether a reasonable person, if fully informed of the facts and circumstances underlying the grounds on which disqualification was sought, would conclude that the court's impartiality might reasonably be questioned....” *Tracey*, 97 Conn. App. 285 n.6. Attorney Pattis’s affidavit reframes a few incidents while ignoring the full history of the case. The better approach recognizes that the facts and procedural history as described by our Supreme Court through 2019 (the time period that Attorney Pattis’s email also focuses on) inform the perspective of the reasonable observer:

The record reveals the following relevant facts and procedural history. On December 14, 2012, Adam Lanza murdered twenty children and six staff members in a mass shooting at Sandy Hook Elementary School in Newtown. Some conspiracy theorists questioned the circumstances surrounding the shooting and called it a hoax. In response to statements made by Jones and other individuals featured on his radio show, the plaintiffs brought three separate civil actions against the defendants in 2018. The complaints alleged counts of invasion of privacy by false light, defamation and defamation per se, intentional infliction of emotional distress, and negligent infliction of emotional distress, all of which were accompanied by counts of civil conspiracy. In addition, the complaints

claimed violations of the Connecticut Unfair Trade Practices Act, General Statutes § 42-110a et seq. The trial court consolidated all three cases.

In November, 2018, the defendants filed special motions to dismiss the plaintiffs' complaints pursuant to the anti-SLAPP statute. See General Statutes § 52-196a (b). In order to respond to the special motions to dismiss, the plaintiffs moved for limited discovery pursuant to § 52-196a (d). The plaintiffs argued that they had demonstrated good cause to entitle them to "specified and limited discovery relevant to the special motion[s] to dismiss" pursuant to § 52-196a (d) and asked the trial court to permit discovery on every issue raised by the defendants' special motions to dismiss to allow them to demonstrate probable cause of success on the merits of their complaints. See General Statutes § 52-196a (e) (3). The defendants opposed the plaintiffs' motion for limited discovery, claiming that the plaintiffs' broad discovery requests were contrary to the purpose of the anti-SLAPP statute and that the plaintiffs had failed to show good cause.

With respect to the specific discovery requests, the plaintiffs initially requested five special interrogatories and twenty-one requests for production from Jones. At a hearing on December 17, 2018, the trial court found good cause and granted the plaintiffs' motion for limited discovery but indicated that it would not grant all of the plaintiffs' requests and would consider each of the defendants' objections individually. The trial court then allowed the parties numerous opportunities to mediate disputes and delineate their discovery obligations at discovery status conferences.

After narrowing the plaintiffs' requests, the trial court initially ordered the defendants to produce their discovery compliance by February 23, 2019. The defendants failed to meet that deadline. The defendants then filed motions for an extension of time, which the trial court granted, allowing them until March 20, 2019, to produce their discovery materials. In granting the motions, the trial court "urge[d] the defendants to honor this court ordered deadline because the defendants are the ones [who] want their motion[s] to dismiss adjudicated, but if they're going to continue to ignore court deadlines, they're going to lose the ability ... to pursue their [special] motion[s] to dismiss."

Two days before the March 20, 2019 discovery deadline, the defendants again moved for an extension of time. This time, the trial court denied the motions, indicating at a hearing with the parties that the defendants had not substantially complied with its discovery orders. The trial court explained that the "defendants, at this point, are coming from a position of weakness. They've blown past the court's deadlines. There hasn't been a single piece of paper [produced] or interrogatory answered." In light of the defendants' noncompliance, the plaintiffs moved for sanctions on March 20, 2019. Specifically, the plaintiffs argued that, under Practice Book § 13-14 and the trial court's inherent authority, the court should impose sanctions for the defendants' violations of discovery deadlines.

At a hearing on April 3, 2019, the trial court began to address the plaintiffs' motions for sanctions but delayed ruling on them to allow the defendants' counsel time to resolve an unspecified ethical concern. Subsequently, on April 10, 2019, the court heard argument

on the motions for sanctions. The defendants argued that they had responded by that time to almost every discovery request and that they were in substantial compliance with the court's discovery orders. The trial court agreed with the defendants, concluding that, although they had not complied with every discovery request, the production to that point was sufficient to allow them to pursue the merits of the special motions to dismiss.

Subsequently, in late May, 2019, the plaintiffs brought additional discovery issues to the trial court's attention. Specifically, the plaintiffs requested, inter alia, additional responsive marketing data from Google Analytics and a complete search of Jones' cell phone. After another hearing, the trial court ordered the defendants to produce marketing data responsive to the court approved production requests. The court warned that it would "consider appropriate sanctions for the defendants' failure to fully and fairly comply" with its latest orders.

On Friday, June 14, 2019, Jones and his attorney, Norman A. Pattis, appeared together on Jones' radio broadcast to discuss the pending case. Jones explained to the broadcast audience that someone had embedded child pornography in e-mails turned over to the plaintiffs in discovery. Jones then began a long invective against those whom he believed had planted the child pornography, which we quote in relevant part:

"Jones: I'm here to tell the little pimps, the Senator Murphys and the prosecutor, the Obama appointed prosecutor [who's] doing all this, bitch, I don't need to talk about poor dead kids to have listeners.

"Jones: They say you're a pedophile. We knew it was coming. And when the Obama appointed [United States] attorney demanded, out of 9.6 million e-mails in the last seven years since Sandy Hook, metadata, which meant tracking the e-mails and where they went, well, we fought it in court. The judge ordered for us to release a large number of those e-mails. That's Chris Mattei [who] got that done, a very interesting individual with the firm of Koskoff & Koskoff run by Senator Murphy and Senator Blumenthal that say, for America to survive, quote, I must be taken off the air. ...

"It was hidden. In Sandy Hook e-mails threatening us, there was child porn. ... And they get these e-mails a few weeks ago, and they go right to the [Federal Bureau of Investigation (FBI)] and say, '[w]e've got him with child porn.' The FBI says, '[h]e never opened it. He didn't send it.' And then they act like, oh, they're our friends. They're not going to do anything with this. ...

....You're trying to set me up with child porn. I'm going to get your ass. One million dollars. One million dollars, you little gang members. One million dollars to put your head on a pike. One million dollars, bitch. I'm going to get your ass. You understand me now? You're not going to ever defeat Texas, you sacks of shit. So you get ready for that.

....."Jones: I want them to. I want them to track it back to you know who. ... I wonder who the person of interest is.

"Pattis: Look, are you showing Chris Mattei's photograph on here?

“Jones: Oh, no. That was an accidental cut. He's a nice Obama boy. ... He's a white ... boy that thinks he owns America.

“Jones: That's why I said, one million. I'm not BSing. One million dollars when they are convicted. The bounty is out, bitches, and you know, you feds, they're going to know you did it. They're going to get your ass, you little dirt bag. One million, bitch. It's out on your ass. ...

“Jones: And I'm just asking the Pentagon and the patriots that are left, and 4chan and 8chan, and Anonymous, anybody [who's] a patriot, I am under attack, and if they bring me down, they'll bring you down. I just have faith in you. I'm under attack. And I summon the mean war. I summon all of it against the enemy. ...

The very next Monday, June 17, 2019, the plaintiffs filed motions asking the trial court to review the broadcast. The plaintiffs also asked for “an expedited briefing schedule concerning what orders must issue in connection with [Jones'] on-air statements” In those motions, the plaintiffs explained that a data firm they had retained located child pornography in the defendants’ metadata and that they “immediately contacted the FBI.” That same day, the trial court issued an order that “[c]ounsel should be prepared to address the matter at tomorrow's hearing”

The next day, June 18, 2019, the parties appeared and argued whether the trial court should order sanctions as a result of the broadcast. After hearing argument, the trial court imposed sanctions against the defendants and revoked their opportunity to pursue the merits of their special motions to dismiss pursuant to § 52-196a (b).

Lafferty v. Jones, 336 Conn. 332, 338-52 (2020) (footnote omitted), *cert. denied*, 209 L. Ed. 2d 529 (2021).

Additional facts will be set forth as needed.

III. THE JONES DEFENDANTS FAIL UTTERLY TO ESTABLISH THE APPEARANCE OF BIAS

A trial court has not only the authority but also the duty to control those involved in court business, to prevent abuse of court processes, and to ensure compliance with court orders:

The inherent authority to administer judicial proceedings carries with it a corollary power to control those involved in court business—parties, witnesses, jurors, spectators, and lawyers—to maintain order, decorum, and respect. Sanctions have long been deemed imperative to protect against the disruption or abuse of judicial processes and to ensure obedience to a court's orders, thereby preserving its authority and dignity.

Lafferty, 336 Conn. at 348-49 (quoting R. Pushaw, *The Inherent Powers of Federal Courts and the Structural Constitution*, 86 Iowa L. Rev. 735, 764-65 (2001)). Likewise, trial judges have the power and responsibility to impose discipline on attorneys: “Judges of the Superior Court possess the inherent authority to regulate attorney conduct and to discipline members of the bar.” *Statewide Grievance Comm. v. Presnick*, 215 Conn. 162, 166 (1990) (citations and internal quotation marks omitted); annot., 94 A.L.R.2d 826, 833, § 3[a] (“The trial judge may be under a duty to reprimand counsel in order to protect the rights of litigants.”); Conn. Gen. Stat. § 1-25 (judges “solemnly swear” to “faithfully discharge, according to law, the duties of the office”).

Adverse rulings do not establish bias. “It is an elementary rule of law that the ‘fact that a trial court rules adversely to a litigant, even if some of these rulings were to be determined on appeal to have been erroneous, does not demonstrate personal bias.’” *Wendt v. Wendt*, 59 Conn. App. 656, 694 (2000) (quoting *Bieluch v. Bieluch*, 199 Conn. 550, 553 (1986)); see *State v. Fullwood*, 194 Conn. 573, 582 (1984); *Harford Federal Savings & Loan Assn. v. Tucker*, 192 Conn. 1, 8 (1984); *State v. Fuller*, 56 Conn. App. 592, 627 n. 34 (2000); *McKenna v. Delente*, 123 Conn. App. 137, 145-46 (2010). Using a motion to recuse to collaterally attack an adverse ruling “is improper.” *McKenna*, 123 Conn. App. at 145-46 (where claims of “prejudice and bias amount to nothing more than a collateral attack” on the court’s orders, the attempt to “relitigate” the issues “by way of a motion for disqualification” is “improper”).

A. The 2019 Threat Does Not Create the Appearance of Bias

The Jones defendants assert that the trial court’s receipt of a threat connected with Jones’s on-air threatening of Attorney Mattei is grounds for recusal. DN 519, Def. Mot. to

Recuse, at 3-6. It is not.¹ Generally speaking, when a party threatens a judge, that conduct is *not* a basis for recusal. “Under ordinary circumstances threats or other attempts to intimidate a judge, without more, do not require disqualification for partiality.” 32 Am. Jur. 2d Federal Courts, § 72. Judge Silbert wrote, “[a] number of courts in other states have considered the question of whether threats to a judge mandate recusal. While the nature, credibility and immediacy of the threat, as well as other matters, are all considerations, the clear weight of authority is to the effect that that the mere communication of a litigant's threat to a judge is not, in and of itself, grounds for disqualification. See, Flamm, R., *Judicial Disqualification*, 2d. ed. (2007) Sec. 21-10, p. 641-44 and cases cited therein.” *Brown v. Brown*, 2011 WL 1888201, at *4 (Conn. Super. Apr. 28, 2011) (Silbert J.) (emphasis supplied). This threat, moreover, occurred over two years ago and was not made by a party.² It does not remotely establish the appearance of bias.

B. The 2019 Discovery Rulings Do Not Create the Appearance of Bias

As the Jones defendants point out, beginning in late 2018 and continuing through June 2019, they hotly contested the scope of discovery against them, and some of the Court’s rulings went against them. DN 519, Def. Mot. at 6-12; DN 521, Pattis Aff. ¶¶ 1-19. There were twenty hearings, one strategic change of counsel, two claims of conflict of interest, one false affidavit, four depositions to ascertain whether the Jones defendants were withholding responsive information (they were), five specific warnings that discovery abuse was jeopardizing the

¹ The Court appropriately alerted the parties to the fact that the threat was received. DN 271. The Supreme Court noted the threat in its opinion. *Lafferty*, 336 Conn. at 369-70 & n.26.

² Laboring to strengthen this argument, the Jones defendants assert that the record shows that Alex Jones “had a hand in the threat.” See, e.g., DN 519, Def. Mot. at 6. Whether Jones orchestrated the threat or not does not matter for purposes of this recusal analysis. Even if Jones himself had made the threat directly, that would not provide a basis for recusal. 32 Am. Jur. 2d Federal Courts, § 72; *Brown*, 2011 WL 1888201, at *4.

Special Motion to Dismiss, six more warnings that the Jones defendants' conduct looked like manipulation or a lack of good faith, and the production of thousands of documents defense counsel chose not to review, including twelve child pornography images. Rather than addressing the Jones defendants' own misconduct throughout that history, the Motion to Recuse renders a few moments selectively and summarily concludes that "[a]lthough the decisions of Judge Bellis were affirmed on appeal, her actions to that point nonetheless created the appearance of bias." DN 519, Def. Mot. at 12.

Correct rulings, affirmed by our Supreme Court, do *not* "create[] the appearance of bias" – they give the appearance of a trial court carrying out its constitutional duties. The Supreme Court unanimously affirmed the trial court's 2019 sanction: "It is undisputed that the trial court's discovery orders were reasonably clear and that the defendants violated four of them." *Lafferty*, 336 Conn. at 375. Those violations were willful: "the record supports the trial court's finding that the defendants wilfully disregarded the court's discovery orders." *Id.* at 377. In addition, Jones threatened Attorney Chris Mattei in a manner "calculated to interfere with the fairness of the proceedings." *Id.* at 370. In response to the discovery abuse and Jones's deliberate interference with the fairness of the proceedings, "the court appropriately dealt with [the] two issues in a proportional sanction that was more measured than the individual punishments of civil or criminal contempt that have been upheld as a consequence for similar conduct. Indeed, the court refrained from imposing the more severe sanction requested by the plaintiffs, specifically, defaulting the defendant." *Id.* at 372.

"[I]f a ruling against a party could be used as an indicia of bias, at least half of the time, every court would be guilty of being biased against one of two parties." *Burns v. Quinnipiac Univ.*, 120 Conn. App. 311, 317 (2010). That the Jones defendants strongly disagree with some

of the Court's rulings is not the appearance of bias. *See id.* ("The fact that the plaintiff strongly disagrees with the substance of the court's rulings does not make those rulings evidence of bias.") That the Court ruled against the Jones defendants is not the appearance of bias. *See, e.g. Hartford Fed. Sav. & Loan Ass'n v. Tucker*, 192 Conn. 1, 8 (1984) ("The fact that a trial court has ruled adversely to the defendant, even if some of those rulings have been determined on appeal to be erroneous, does not demonstrate personal bias."); *Burns*, 120 Conn. App. at 317 (same). That the Court sanctioned Alex Jones and his companies is not the appearance of bias. *See, e.g. Postemski v. Landon*, 9 Conn. App. 320, 323 (1986) ("The fact that the court below had twice found the defendant in contempt in connection with the dissolution action, is not, without further evidence, sufficient to demonstrate a personal bias against the defendant.") And that the Court found willful misconduct is not the appearance of bias. *See Matter cf Marriage cf Benson*, 919 P.2d 496, 499-500 (Or. Ct. App. 1996) ("It simply does not follow that, once having determined that a party took some action in bad faith, that the judge making that determination cannot thereafter rule impartially on the balance of the case. If that were so, then every time a trial judge imposed sanctions for a discovery violation, the case would need to be reassigned to another judge.").

The Jones defendants complain at length about the Court's referral of Attorney Pattis to the Grievance Committee in connection with Attorney Pattis' filing of a false affidavit. Citing *Cameron v. Cameron*, 187 Conn. 163 (1982), they argue that the Court "den[ied] evidentiary hearings" and took "actions indicating she believed that either the Defendants or their counsel (or their independent expert) had been deceitful." DN 519, Def. Mot. at 23.³ A trial court has a duty

³ *Cameron* has absolutely no application here. In *Cameron*, the trial judge, on several occasions before the defendant took the witness stand, stated his belief that either the defendant or his counsel was "attempting to perpetrate a fraud" upon the court, and that the defendant had "lied

to see that no falsehood or fraud is perpetrated on the Court, and the carrying out of that duty cannot be equated with bias. *See LaBow v. LaBow*, 13 Conn. App. 330, 339-43 (1988) (warning or admonishment “made by the trial court with the awareness of its continuing obligation to see that no falsehood or other fraud was perpetrated on the court” was not evidence of bias), *superseded by statute on other grounds as stated in Berry v. Berry*, 88 Conn. App. 674, 678 (2005).

The Grievance Committee decision regarding the false affidavit only confirms that the Court’s reaction was appropriate. The Pattis Affidavit references only parts of the Grievance Committee’s decision regarding the filing of the false affidavit. The plaintiffs attach the full decision as Exhibit B.⁴ That decision, like the record before the Court on the affidavit issue, shows that the affidavit was a false filing, and the Court was correct to react to it as such. The Grievance Committee decision records that “Disciplinary Counsel contended that the affidavit appears objectively false.” Ex. B, Grievance Committee Decision, at 2. Attorney Pattis did not attempt to argue otherwise. *See id.* Rather, he sought to excuse the filing of a false affidavit as a mistake that had not harmed anyone: “The Respondent indicated that there was no claim of prejudice by opposing counsel in connection with the affidavit.”⁵

under oath” at his deposition. *Cameron*, 187 Conn. at 170. The defendant was then invited by the judge to take the stand and, immediately after stating his name and address was held in contempt. To compound the gravity of this clear display of distrust of the defendant, the trial court ordered the defendant to return to court the next day and referred to some prior experiences with “clients absconding” who had been represented by the defendant’s counsel. *Id.* The Court’s patient and measured conduct in this case is the polar opposite of the *Cameron* trial court’s conduct.

⁴ The Pattis Affidavit references many exhibits, including the Grievance Committee decision. To the best of the plaintiffs’ understanding, those exhibits were not filed, although they were served on the plaintiffs.

⁵ The plaintiffs truly have no interest in re-opening the false affidavit issue. However, this representation by Attorney Pattis was not accurate. The hearing took place October 3, 2019, and

In addition, the Pattis Affidavit does not describe the Grievance Committee's entire conclusion, which provides:

This reviewing committee concludes that the Respondent's conduct in connection with the affidavit did not rise to the level of an ethical violation, in this instance. The record lacks clear and convincing evidence to substantiate a finding that the Respondent violated Rules 3.3(a)(1) and (2), 3.4(1) or '8.4(1),(2),(3) and (4) of the Rules of Professional Conduct. The Respondent acknowledged that he made a mistake in connection with the execution of the affidavit. When the Respondent realized his error, he immediately corrected it. We find the Respondent credible that he made a mistake and had no intent to deceive the Court or opposing counsel. Notwithstanding, we are critical of the Respondent's level of diligence in researching how to handle an affidavit involving an attorney-in-fact acting under a Texas power of attorney in a Connecticut civil proceeding. It is the opinion of this reviewing committee that the Respondent's practice was sloppy with regard to the execution of the affidavit and that he exercised bad judgment. Further, it was inappropriate not to request the power of attorney document for review. Finally, since we conclude that the Respondent did not violate the Rules of Professional Conduct, we dismiss the complaint.

Id. at 3. In sum, an objective observer would conclude that the Court's appropriate response to the filing of an undisputedly false affidavit did not create the appearance of bias.

As is apparent, the Jones defendants ignore and misstate facts too many facts for the plaintiffs to be able to correct every misstatement. To give just one further example, they argue that "[w]ithout an evidentiary hearing and a meaningful opportunity to be heard, Judge Bellis denied the Defendants their opportunity to pursue their special motion to dismiss." DN 519, Def. Mot. at 12. The Supreme Court held: "the trial court held a hearing, at which it heard thorough argument on the issue, and at no point during the argument did the defendants request additional time. This satisfies the due process requirement for a meaningful opportunity to be heard."

presumably Attorney Pattis made that representation on that day. Well before that date, in an April 29, 2019 filing, the plaintiffs stated: "Plaintiffs Are Prejudiced by the Jones Defendants' Use of the False Affidavit and Are Entitled to Relief Accordingly." DN 236, 4/29/19 Pl. Mot. for Relief Concerning Alex Jones False Affidavit, at 7. It was not accurate for Attorney Pattis to represent that "there was no claim of prejudice by opposing counsel in connection with the affidavit."

Lafferty, 336 Conn. at 385 (emphasis supplied). A motion that so far disregards the facts is frivolous and must be denied.

C. The 2021 Discovery Rulings and Colloquy Are Not a Basis for Recusal

The Court has the power – and the concomitant duty – to control those involved in court business, to prevent abuse of court processes, and to ensure compliance with court orders: See *Lafferty*, 336 Conn. at 348-49. This includes the responsibility “to regulate attorney conduct and to discipline members of the bar.” *Statewide Grievance Comm. v. Presnick*, 215 Conn. at 166. The Court’s fair warnings to counsel on these issues are not evidence of bias. It is a measure of how misguided the Jones defendants’ bias arguments are that they cite the Court’s comments to counsel on May 6, 2021, in which the Court reminded Attorney Wolman of his duty of candor *and said* “I’m not saying it was anything but an innocent mistake, but it would be incumbent upon you to just correct that mistake because I don’t want to have continued problems moving forward.” Ex. A, 5/6/21 Tr. at 18:1-5 (quoted in Def. Mot. at 14.). To any reasonable observer, that statement is not evidence of bias; it is a statement intended to allow Attorney Wolman to avoid future problems.⁶

The Jones defendants also re-argue their violation of the protective order. DN 519, Def. Mot. at 14-16. They claim, “[b]ecause the PO was not properly invoked, counsel for Defendants believed there was no impediment to using the information disclosed during the deposition....” *Id.* at 15. This, they further claim, was a “good faith” understanding of the Protective Order. *Id.*

⁶ The Jones defendants assert that the Court should have found ethical violations by plaintiffs’ counsel in connection with the treatment of Jeremy Richman’s claim after his death and the treatment of Erica Lafferty’s claim during her bankruptcy. That argument is nonsense. The plaintiffs’ counsel’s handling of those matters breached no duties to the Court. No referral was made because there was nothing to refer.

This has been briefed and argued *ad nauseam*. It is extraordinary that the Jones defendants are willing to advance this argument again, especially when the provisions of the Protective Order do not remotely support it. Paragraph 14.b of the Protective Order permits the provisional designation of an entire deposition transcript confidential: “This Protective Order shall permit temporary designation of an entire transcript as Confidential Information or HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY where less than all of the testimony in that transcript would fall into those categories....” DN 358, Ex. C; *see also* DN 185.00. Paragraph 17 sets forth the process for resolving objections to designations.⁷ Given the clarity of these terms, there is no conceivable “good faith belief” that it could be appropriate to ignore another party’s designations as the Jones defendants did.

D. Presiding Over Matters Involving Some of the Plaintiffs in This Case Is Not a Basis for Recusal

The Jones defendants assert that the Court has been the presiding jurist over other matters in which some of the plaintiffs in this case are plaintiffs. DN 519, Def. Mot. at 18. They argue that, “[t]here is no reason for Judge Bellis to be ... exposed to arguments and evidence in the other cases that would tend to color any jurist’s opinion of defendants accused of calling Sandy Hook a hoax.” *Id.* at 19. The mere fact that the Court presides over another case involving some of the same plaintiffs is not a basis for recusal, nor does it create the appearance of impropriety. *See Tracey*, 97 Conn. App. at 284 (“Courts have routinely held that the prior appearance of a

⁷ Paragraph 17 provides: “Any party may, not later than sixty (60) days prior to the trial of this case, object to a designation by notifying the Designating Party in writing of that objection and specifying the designated material to which the objection is made. The parties shall confer within fifteen (15) days of service of any written objection. If the objection is not resolved, the Designating Party shall, within fifteen (15) days of the conference, file and serve a motion to resolve the dispute and shall bear the burden of proof on the issue. If no such motion is filed within the stated time period, the material shall cease to be treated as Confidential.” DN 358, Ex. C; *see also* DN 185.

party before a trial judge does not reflect upon the judge's impartiality in a subsequent action involving that party.”); *State v. Webb*, 238 Conn. 389, 461 (1996) (same general statement of rule, and rejecting argument that “mere fact that the same trial judge presided over both trials” raised reasonable question about the judge's impartiality); *see also In re Heather L.*, 274 Conn. 174, 177 (2005) (“[R]espondent has provided no authority for the proposition that a judge's familiarity with a party's personal history by virtue of the judge's participation in a prior proceeding, standing alone and without any showing of bias, requires disqualification.”).

IV. THE TIMING OF THIS MOTION SHOWS IT IS FRIVOLOUS

The Jones defendants’ Motion to Recuse concerns mainly matters that occurred over two years ago. That the Jones defendants have known of these supposed biases for years and done nothing shows – again – that the Motion to Recuse is frivolous. *Nat'l Auto Brokers Corp. v. Gen. Motors Corp.*, 572 F.2d 953, 959 (2d Cir. 1978) (judge’s former firm affiliation “had for years been a matter of public knowledge;” under these circumstances, the judge was “duty bound” to deny the “frivolous motion for his disqualification”). The Court’s handling of Attorney Pattis’ false affidavit, the Jones defendants’ discovery delay and obfuscation, and Alex Jones’s broadcast attack on plaintiffs’ counsel do not remotely show bias – because the conduct in all instances required the Court’s response, and the Court’s response was appropriate. Moreover, if the Jones defendants truly believed that conduct showed bias, the time to raise those arguments was in June 2019 – or, failing that, when the case began to be actively litigated again in the fall of 2020. As in *National Auto Brokers Corp.*, the Motion to Recuse is filed merely because the Jones defendants expect an adverse ruling and is frivolous.

Further, the Court now has extensive experience with the case – which is precisely why the Jones defendants seek a recusal. That experience requires the Court to continue to preside

over the case. *See Nat'l Auto Brokers Corp.*, 572 F.2d at 958 (a judge should not recuse herself unnecessarily “particularly ‘where the request for disqualification was not made at the threshold of the litigation and the judge has acquired a valuable background of experience.’”) (quoting *Rosen v. Sugarman*, 357 F.2d 794, 797-98 (2d Cir. 1966)).

CONCLUSION

[A] charge of ... bias [or prejudice] against a trial judge in the execution of his or her duties is a most grave accusation. It strikes at the very heart of the judiciary as a neutral and fair arbiter of disputes for our citizenry. Such an attack travels far beyond merely advocating that a trial judge ruled incorrectly as a matter of law or as to a finding of fact, as is the procedure in appellate practice. A judge's personal integrity and ability to serve are thrown into question, placing a strain on the court that cannot easily be erased. Attorneys should be free to challenge, in appropriate legal proceedings, a court's perceived partiality without the court misconstruing such a challenge as an assault on the integrity of the court. Such challenges should, however, be made only when substantiated by the trial record.

McKenna 123 Conn. App. at 144-45. The challenge here is not remotely “substantiated by the trial record” and should never have been made. The Motion to Recuse must be denied.

THE PLAINTIFFS,

By: /s/ Alinor C. Sterling
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CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and *pro se* appearances as follows:

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EXHIBIT A

DOCKET NO: X06-CV-18-604643609S: SUPERIOR COURT
ERICA LAFFERTY, ET ALS., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

+++++
DOCKET NO.: X06-CV-18-6046437S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

+++++
DOCKET NO.: X06-CV-18-6046438S: SUPERIOR COURT
WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
PLAINTIFFS, :
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
DEFENDANTS :

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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Infowars Health, LLC; Prison Planet TV, LLC:
ATTORNEY JAY M. WOLMAN
Randazza Legal Group, PLLC
100 Pearl Street, 14th Floor
Hartford, CT 06103

Recorded By:
Jocelyne Greguoli

Transcribed By:
Jocelyne Greguoli
Court Recording Monitor
400 Grand Street
Waterbury, Connecticut 06702

1 filed, treated as being on the 5th.

2 So we did timely raise this issue as reasonably
3 practical --

4 THE COURT: I --

5 ATTY. WOLMAN: -- and possible following Your
6 Honor's admonition.

7 THE COURT: All right. So counsel, here's what
8 I would say moving forward: Attorney Ferraro is a
9 wonderful court officer and I don't say that just
10 because he's sitting in the courtroom with me, but he
11 is here to help you with scheduling and things along
12 those lines. You're not going to call him to ask him
13 whether you should file a certain motion because he's
14 not going to be able to give you legal advice and I
15 made it clear that we're not going to have issues
16 with last minute filings.

17 I don't want to get into a colloquy here. I
18 said what I said. I made my ruling. I will just say
19 in the future moving forward for your own sake that
20 if you do, because at least with respect to the app
21 -- the application for the stay with the US Supreme
22 Court, what you filed with the Court on that day
23 represented something that, in fact, was not accurate
24 and I -- I would say it would have been incumbent
25 upon you to correct what you had filed.

26 I did learn subsequently that it wasn't correct,
27 but I just think just as we move forward, if it's

1 your or -- or even an innocent -- and I'm not saying
2 it was anything but an innocent mistake, but it would
3 be incumbent upon you to just correct that mistake
4 because I don't want to have continued problems
5 moving forward.

6 So I'm not going to have a colloquy here. I'm
7 not going to ask Attorney Mattei to weigh in on
8 anything that I said. I ruled on when the
9 depositions were to take place. I ruled on -- on the
10 production requests. If you would like me to look --
11 And -- And that's how it stands at this point.
12 There's no order of protection with respect to
13 dissemination of any of the materials.

14 If you want to try to informally look at a
15 particular production request because you're
16 concerned about personal identifying information or
17 about the deponents, then I'm more than happy to try
18 to look at it and see if we can informally fashion
19 something that take -- alleviates your concerns and
20 your employ -- the two employees that we're talking
21 about, about their concerns.

22 So I have my case up if you want to direct me to
23 one of the production requests. I'm sure we can try
24 to -- to figure it out on --

25 ATTY. WOLMAN: Thank you, Your Honor.

26 THE COURT: Yeah.

27 ATTY. WOLMAN: I don't know which one you'd be

DOCKET NO: X06-CV-18-604643609S: SUPERIOR COURT
 ERICA LAFFERTY, ET ALS., : COMPLEX LITIGATION
 PLAINTIFFS, :
 v. : AT WATERBURY, CONNECTICUT
 ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
 DEFENDANTS :
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 DOCKET NO.: X06-CV-18-6046437S: SUPERIOR COURT
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 ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
 DEFENDANTS :
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 DOCKET NO.: X06-CV-18-6046438S: SUPERIOR COURT
 WILLIAM SHERLACH, ET AL., : COMPLEX LITIGATION
 PLAINTIFFS, :
 v. : AT WATERBURY, CONNECTICUT
 ALEX EMRIC JONES, ET ALS., : MAY 6, 2021
 DEFENDANTS :

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and
 correct transcription of the audio recording of the above-
 referenced case, heard in Superior Court, Complex
 litigation, Waterbury, Connecticut, before the Honorable
 Barbara N. Bellis, Judge, on the 6th day of May, 2021.

Dated this 7th day of May, 2021 in Waterbury,
 Connecticut.


 Jocelyne Greguoli
 Court Recording Monitor

EXHIBIT B

STATEWIDE GRIEVANCE COMMITTEE

Danbury Judicial District Grievance Panel
Complainant

vs. : Grievance Complaint #19-0367

Norman A. Pattis
Respondent

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 80 Washington Street, Hartford, Connecticut on October 3, 2019. The hearing addressed the record of the complaint filed on June 12, 2019, and the probable cause determination filed by the New Haven Judicial District Grievance Panel for the towns of Bethany, New Haven and Woodbridge on July 22, 2019, finding that there existed probable cause that the Respondent violated Rules 3.3(a)(1) and (2), 3.4(1) and 8.4(1),(2),(3) and (4) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on August 28, 2019. Pursuant to Practice Book §2-35(d), Chief Disciplinary Counsel Brian Staines pursued the matter before this reviewing committee. The Respondent appeared and testified. Attorney Mark Dubois represented the Respondent. No exhibits were admitted into evidence.

This reviewing committee makes the following findings:

On March 1, 2019, the Respondent appeared in lieu of previous counsel on behalf of Alex Jones and related corporate defendants in civil litigation pending in Connecticut. At the time of the Respondent's appearance, discovery orders were outstanding against the Respondent's clients. A hearing on the plaintiffs' motion for sanctions was scheduled for March 22, 2019 at 2:00 p.m. On the day of the hearing, the Respondent met in his New Haven office with Mr. Jones' personal representative, who had a power of attorney, and an attorney from Washington, D.C. who represented Mr. Jones in other matters.

On the day of the March 22, 2019 meeting, it was determined that an affidavit needed to be filed regarding Mr. Jones' belief that there had been compliance with discovery. The Respondent drafted an affidavit for Mr. Jones, who was in Texas where he and his corporations reside and do business. Mr. Jones personal representative contacted him on the phone and reviewed the contents of the affidavit with Mr. Jones. The Respondent spoke with Mr. Jones on the phone and asked him "to swear to the truth of the statements in the affidavit", which he did. Mr. Jones authorized his personal representative and attorney in fact to sign his name to the affidavit. The personal representative signed Alex Jones' name to the affidavit. The Respondent

signed his name as Commissioner of the Superior Court on the affidavit, which stated "sworn to and subscribed before me." The affidavit did not state where it was signed.

The Respondent filed the affidavit with the Court and produced it before counsel. Thereafter, at a hearing before Judge Barbara N. Bellis on April 10, 2019, plaintiffs' counsel inquired as to the location of the signing of the affidavit. The Respondent disclosed to the Court the circumstances of the signing of the affidavit. The Respondent represented to the Court that there was no intent to deceive. Thereafter, a new affidavit signed by Mr. Jones was filed. The Respondent self-reported the matter to Grievance Panel Counsel by correspondence dated April 12, 2019. Judge Bellis made a referral to the Office of the Chief Disciplinary Counsel by correspondence dated April 24, 2019.

This reviewing committee also considered the following:

Disciplinary Counsel contended that the affidavit appears objectively false. Disciplinary Counsel argued that the affidavit was not subscribed before the Respondent in Connecticut nor was it signed by Alex Jones. Disciplinary Counsel indicated that the facts in the affidavit are not in dispute, the facts are true. Disciplinary Counsel indicated that the substance of the affidavit is not claimed to be false. The Respondent stated that "[w]hile Mr. Jones did not physically appear before me, I believed I had the functional equivalent of his appearance, and there was no doubt in my mind he had sworn to the facts in the affidavit." The Respondent contended that "Mr. Jones' attorney-in-fact had authority under Texas law to offer a statement of fact in the Connecticut litigation" and that the Respondent "reasonably believed that this authority included his signing an affidavit." The Respondent indicated that he made a mistake. Instead of having the agent sign his own name, he had him sign the name of his principal. The Respondent, through counsel, explained that he incorrectly believed that he could take the oath remotely. The Respondent explained that when he realized his error, he immediately took corrective action. The Respondent explained that the new affidavit signed by Mr. Jones was "identical in form" to the subject March 22, 2019 affidavit.

The Respondent testified that on March 22, 2019, shortly after appearing in the litigation, he was under time constraints in connection with the preparation of the affidavit and the subsequent hearing that afternoon. The Respondent testified that at the March 22, 2019 meeting, he did not ask to view the power of attorney document but rather relied on the representations of his client and his client's representative. The Respondent indicated that there was no claim of prejudice by opposing counsel in connection with the affidavit.

This reviewing committee concludes that the Respondent's conduct in connection with the affidavit did not rise to the level of an ethical violation, in this instance. The record lacks clear and convincing evidence to substantiate a finding that the Respondent violated Rules 3.3(a)(1) and (2), 3.4(1) or 8.4(1),(2),(3) and (4) of the Rules of Professional Conduct. The Respondent acknowledged that he made a mistake in connection with the execution of the affidavit. When the Respondent realized his error, he immediately corrected it. We find the Respondent credible that he made a mistake and had no intent to deceive the Court or opposing counsel. Notwithstanding, we are critical of the Respondent's level of diligence in researching how to handle an affidavit involving an attorney-in-fact acting under a Texas power of attorney in a Connecticut civil proceeding. It is the opinion of this reviewing committee that the Respondent's practice was sloppy with regard to the execution of the affidavit and that he exercised bad judgment. Further, it was inappropriate not to request the power of attorney document for review. Finally, since we conclude that the Respondent did not violate the Rules of Professional Conduct, we dismiss the complaint.

DECISION DATE: 12-10-19

(DFR)

(4)

DOCKET NO: UWY-CV-18-6046436-S :	:	SUPERIOR COURT
	:	
ERICA LAFFERTY, ET AL.,	:	COMPLEX LITIGATION DOCKET
	:	
VS.	:	AT WATERBURY
	:	
ALEX EMRIC JONES, ET AL.	:	NOVEMBER 3, 2021

DOCKET NO: UWY-CV-18-6046437-S :	:	SUPERIOR COURT
	:	
WILLIAM SHERLACH,	:	COMPLEX LITIGATION DOCKET
	:	
VS.	:	AT WATERBURY
	:	
ALEX EMRIC JONES, ET AL.	:	NOVEMBER 3, 2021

DOCKET NO: UWY-CV-18-6046438-S :	:	SUPERIOR COURT
	:	
WILLIAM SHERLACH, ET AL.,	:	COMPLEX LITIGATION DOCKET
	:	
VS.	:	AT WATERBURY
	:	
ALEX EMRIC JONES, ET AL.	:	NOVEMBER 3, 2021

REPLY IN SUPPORT OF MOTION TO RECUSE JUDGE BELLIS

The issue before the court is whether a reasonable person would question Judge Bellis’ impartiality on the basis of all the circumstances of this case. Resolution turns on whether a reasonable person with full knowledge of the proceedings would harbor significant doubts about Judge Bellis’ impartiality so that they would disqualify her based on the mere appearance of bias. See Tracey v. Tracey, 97 Conn. App. 278, 285 n.6 (2006). Plaintiffs anchor their memorandum in opposition to this standard and then completely abandon it in their argument. This should come as no surprise as over the course of this litigation plaintiffs routinely employ misdirection in arguments only to rely on bias against the defendants to carry the day.

Characterizing the defendants’ motion to recuse as “merely a collateral attack on rulings,” is an example of this misdirection. Defendants, in their initial motion to recuse, directly state “that

adverse rulings, alone, provide an insufficient basis for finding bias even when those rulings may be erroneous.” DN 519 at 21-22. Defendants go on to argue that it is the process employed to reach these rulings—not the adverse rulings alone—that creates the perception of judicial bias. Despite this, plaintiffs respond to strawman arguments of their own creation by attempting to recast the defendants’ arguments as simply attacks on adverse rulings.

This legal sleight of hand is also apparent in the way the plaintiffs vacillate over the appropriate time period to assess the appearance of judicial bias. Plaintiffs argue from both sides of their mouth. From one side that “[t]he Jones defendants’ Motion to Recuse concerns mainly matters that occurred over two years ago,” and that knowing of these “biases for years and do[ing] nothing shows . . . that the Motion to Recuse is frivolous.” DN 541 at 15. And then from the other side that “[c]ourts should determine questions as to the appearance of impropriety or bias not by considering what a straw poll of the partly informed man-in-the-street would show,” but instead “should examine the record, facts, and the law,” to determine “whether a reasonable person, . . . fully informed of the facts and circumstances” would question the court’s impartiality. DN 541 at 2. This forked tongue argument attempts to distract from the reality that the strong appearance of bias created by Judge Bellis’ rulings prior to the 18 June 2019 sanction order carried over when this matter returned to her courtroom on 14 April 2021. Moreover, plaintiffs claim that the motion to recuse includes matters that occurred over two years ago ignores the reality that any action in the trial court lie dormant for much of the duration of that two years. Further, the fact that Defendants did not seek recusal from the first opportunity should demonstrate that this motion is not brought lightly. With each matter that came before her, Defendants hoped the Court would try to *appear* fair and just. This has not happened.

The grand finale to plaintiffs’ legal illusion is their attempt to examine each ground raised in the defendants’ motion to recuse in isolation, finding that each on its own cannot create the

appearance of bias. The defendants never asserted that Judge Bellis' bias manifests in one particular ruling. Rather, the whole is more than the sum of its parts. Judge Bellis demonstrated a constant bias against the defendants in the decision-making process—or rather lack thereof—throughout the course of the proceedings. Unable to respond to the obvious appearance of bias created by examining the record as a whole, plaintiffs are forced to saw the record into pieces and hope to distract the court from the truth—that fair judgment requires a willingness to hear and evaluate the arguments of each side before executing judgment. The court has repeatedly failed to do so. Therefore, Judge Bellis must be disqualified from this matter.

I. The Process Judge Bellis Employed in Making Rulings, Adverse or Otherwise, Created the Appearance of Bias

The factual background in the plaintiffs reply asks this court to stand in the shoes of the “partly informed man-in-the-street” by reducing the history of this case to an approximately three-page block quote lifted from the Connecticut Supreme Court’s 2019 summary of the case. Plaintiffs go on to characterize the 28-page affidavit and 418 pages of supporting exhibits submitted by the defendants in support of the motion to dismiss as reframing “a few incidents while ignoring the full history of the case.” DN 541 at 3. Plaintiffs do so to avoid responding to the defendants’ argument that throughout these proceedings Judge Bellis employed a decision-making process designed to deny the defendants a meaningful opportunity to be heard.

A reasonable person, fully informed of the facts and circumstances underlying the grounds on which disqualification was sought, would be aware of the following:

- As of the 13 March 2019 hearing the defendants’ ability to have their special motion to dismiss heard depended on their complying with the court's discovery orders. DN 520 at 3.
- At the 10 April 2019 hearing Judge Bellis stated that the issue is whether there's

been substantial good faith compliance or not such that the defendant should be allowed to pursue their special motion to dismiss. After plaintiffs were allowed to raise their concerns regarding discovery, Judge Bellis stated “I don't see how this is not substantial compliance,” and plaintiffs then conceded that “it's apparent from the Court's comments that the Court is satisfied there is at least substantial compliance.” DN 520 at 6. Plaintiffs then raised the affidavit issue as a new and distinct ground for sanctions. DN 520 6-8. In response Judge Bellis stated she would hold a hearing on the evidentiary issue before ruling, but that she thought the defendants substantially complied with discovery orders. DN 520 at 7-8.

- At the 22 April 2019 hearing Judge Bellis invited the plaintiffs to use the affidavit issue as an additional basis to sanction the defendants. The plaintiffs declined, indicating there was insufficient information to indicate culpability on the part of the defendants. Despite previously ordering a hearing on the issue and the plaintiffs indicating that without a hearing they lacked information necessary to take a position, Judge Bellis pressed the plaintiffs to take a position without a hearing, which they declined to do. DN 520 at 8-10.
- At the 7 May 2019 hearing Judge Bellis began by stating “I've seen enough of it at this point to afford the defendants the opportunity to pursue their special motion to dismiss.” DN 520 at 10. Plaintiffs, seeing their opportunity to deny the defendants their special motion to dismiss slip away, then claimed that the Defendant's had not produced signed interrogatory responses. Almost immediately, Judge Bellis, **without fully comprehending the issue or inquiring the position of the Jones defendants**, stated, “this is news to me. So here's what I would say on that. I now retract my prior comments that there has been substantial compliance, good-faith,

substantial compliance.” DN 520 at 11. Once Judge Bellis determined that the plaintiffs were asking for drafts of interrogatory responses, she ruled they were not entitled to these items, but never corrected her contradictory statements regarding the defendants’ discovery compliance. DN 520 at 11.

- At the 5 June 2019 hearing Judge Bellis ruled that the defendants fully and fairly complied with discovery. However, after permitting the plaintiffs to argue 46 transcript pages worth of objections, Judge Bellis would not permit defendants to make a record regarding their own requests for discovery. DN 520 at 11-14.
- Shortly after the 5 June 2019 hearing the defendants discovered that they were the victims of 12 distinct acts of cyber-crime involving a child pornography email scam; the FBI coordinated their investigation regarding this attack on the defendants via plaintiffs’ counsel; and Alex Jones reacted on-air to all of this over two broadcasts. DN 520 at 14-16.
- At the 18 June hearing plaintiffs asked for a briefing schedule so they could attempt to use these events to sanction the defendants. Judge Bellis denied this request, abandoning the well-established decisional pathways of (1) briefing the issue and (2) having a meaningful hearing. Put on the spot, plaintiffs chose to not discuss the actual content of the broadcast, instead arguing that sanctions were appropriate based on (1) “Pizzagate;” (2) the prior issues with discovery compliance; and (3) their assertion that the defendants’ apology during the 15 June 2019 broadcast was insufficient. DN 520 at 17-18. Judge Bellis requested the defendants begin by addressing the nature of their apology and permitted counsel to get two full sentences out before challenging the characterization of the apology. When the defendants attempted to do so, and despite the fact that she previously

denied a request for briefing and a hearing, Judge Bellis interrupted stating that in order to do so they would need to put on evidence in that regard. DN 520 at 18.

Finally, despite stating earlier in the hearing that she had done her own research and could not find a case that came close to the issue before the court, Judge Bellis produced a case justifying sanctions based on a different issue and relied on it as a basis for denying the defendants' special motion to dismiss. DN 520 at 18-20.

- Following Judge Bellis' order, an unknown individual posted a threat against her online. Judge Bellis acknowledged the threat in a 21 June 2019 order. The only other information related to this threat in the record of this case was when the plaintiffs included it in a briefing to the Connecticut Supreme Court in which plaintiffs concluded, without providing evidence, that the defendants were somehow responsible for the threat. DN 520 at 21.
- Following the appeal of Judge Bellis' order, her high degree of antagonism towards the defendants resumed immediately, as demonstrated by a series of admonitions and rulings, with hyperbolic language, making credibility determinations without any evidentiary hearing, and issuing sanctions for reasons not even suggested by the plaintiffs. DN 520 at 21-28.

Because a reasonable person fully informed of the facts and circumstances underlying the grounds on which disqualification was sought would be aware of the foregoing, the court must consider this history when deciding to recuse Judge Bellis. The Court cannot confine its considerations simply to adverse rulings no matter how much the plaintiffs wish this were the case.

II. The Timing of this Motion Demonstrates the Defendants Faith in the Integrity of the Judiciary and the Hope that Judicial Temperament Would Return

Following the Appeal of the Sanction Order

Plaintiffs argue that if the “defendants truly believed that conduct showed bias, the time to raise those arguments was in June 2019.” DN 541 at 15. This argument is based on the plaintiffs’ mischaracterization that the defendants must show a single isolated event is the basis for the appearance of bias supporting a motion to recuse. As demonstrated in section I *supra*, the appearance of bias and judicial impropriety grew over the course of the proceedings as the defendants scrambled to satisfy shifting discovery standards and arbitrary threshold requirements, only to be ambushed by judicial whim and caprice in the order denying their special motion to dismiss.

Plaintiffs’ argument that the defendants point to matters that occurred over two years ago ignores the reality that any action in the trial court lie dormant for much of the duration of that appeal—approximately 1 year, 9 months, and 27 days elapsed between Judge Bellis sanction order and this matter returning to her courtroom following the appeal and removal. After exercising their right to appeal that order, defendants hopes that they would return to a fair and impartial courtroom were dashed when Judge Bellis immediately threatened the defendants with a referral to the grievance committee. DN 520 at 22-23.

Plaintiffs’ reliance on Nat’l Auto Brokers Corp. v. Gen. Motors Corp., for the proposition that the timing of the motion to recuse shows it is frivolous is further evidence of their misdirection. That case involved, “[t]he prior representation of a party by a judge . . . with regard to a matter unrelated to litigation before him.” 572 F.2d 953, 958 (2d Cir. 1978). In that case, the Second Circuit held that a court was “duty bound” to deny a frivolous disqualification motion because the sole basis of the motion was the prior representation issue which “had for years been a matter of public knowledge and . . . known to . . . counsel for months prior to trial.” *Id.* at 959. The only relevance this case has to the recusal motion before the court is as evidence of the extent

of the misdirection plaintiffs will employ in their arguments.

Finally, plaintiffs try to bolster the arbitrary and unsupported limits they place on the timing of a recusal motion by arguing that “[t]he Supreme Court held: ‘the trial court held a hearing, at which it heard thorough argument on the issue, and at no point during the argument did the defendants request additional time. This satisfies the due process requirement for a meaningful opportunity to be heard.’ DN 541 at 12. As described in section I *supra* and in greater detail in the affidavit supporting the recusal motion, this meaningful opportunity consisted of Judge Bellis permitting the defendants two full sentences of argument before stating that their characterization of the issue before the court required an evidentiary hearing which she would not permit. DN 520 at 16-20. The applicable standard governing a recusal motion is not that a higher court decided that a party was afforded the minimum requirements of due process. That the plaintiffs are forced to rely on this argument only bolsters the fact that a reasonable person with full knowledge of the proceedings would question the court’s impartiality.

Far from showing it is frivolous, the timing of this motion demonstrates restraint on the part of the defendants and a misplaced hope that a neutral and detached judicial temperament would return to the proceedings.

III. The Whole Is More Than the Sum of its Parts

Plaintiffs’ reply attempts to isolate specific rulings adverse to the defendants and argue that each on their own fails to establish the appearance of bias. Plaintiffs frame their argument this way to distract from the fact that it is the record as a whole that creates the appearance of bias.

The Code of Judicial Conduct requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. The reasonableness standard is an objective one. Thus, the question is not only whether the particular judge is, in fact, impartial but whether a reasonable person would question the judge's impartiality *on the basis of all the circumstances*. . . Even in the absence of actual bias, a judge must disqualify h[er]self in any proceeding in which h[er] impartiality might reasonably be questioned, because the appearance

and the existence of impartiality are both essential elements of a fair exercise of judicial authority.

State v. Webb, 238 Conn. 389, 460-61, *aff'd after remand*, 252 Conn. 128, *cert. denied*, 531 U.S. 835 (2000) (citations omitted; internal quotation marks omitted; emphasis added). “To prevail on [a] claim of a violation of this canon, the [moving party] need not show actual bias. The [moving party] has met its burden if it can prove that the conduct in question gave rise to a reasonable appearance of impropriety,” *Abington Ltd. Pshp. v. Heublein*, 246 Conn. 815, 819-21 (1998).

A reasonable person would look at the record in this case in the context of the underlying facts. On 14 December 2012 a shooting occurred at Sandy Hook Elementary School. This event drew national media attention. This event was “described as a ‘tipping point’ . . . in a national discussion regarding a broad array of potential solutions to curb gun violence.”¹ The politicization of this tragic, but idiosyncratic, shooting occurred almost immediately. Nearly six years later, more than a dozen plaintiffs found themselves at the doors of the state’s largest personal injury firm, represented by the son of a Senator who used the tragedy to bolster his political career, ready, willing, and able to wage war on the defendants.

The law under which the plaintiffs sued entitled the defendants to a special motion to dismiss, designed to prevent frivolous litigation from silencing constitutionally protected speech. Immediately, the state’s largest personal injury firm inundated defendants with voluminous and expensive discovery requests. Defendants request to define the extent of what “specific and limited” discovery the plaintiffs were entitled to were ignored. DN 520 at 1-2. Defendants struggled to respond to the plaintiffs’ requests while simultaneously being denied their counsel of choice – who was well-versed in anti-SLAPP law. Defendants eventually provided enough

¹ See James M Shultz, et al., Disaster Health, “The Sandy Hook Elementary School shooting as tipping point- This Time Is Different,” (2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5314926/> (last visited 27 July 2021)

discovery so that Judge Bellis stated there had been substantial enough compliance with the courts order to afford the defendants the opportunity to pursue their special motion to dismiss on multiple occasions— 10 April 2019; 7 May 2019; and 5 June 2019. DN 520 at 5-6, 8, 10, 11-14.

Despite this, or perhaps because of it, Judge Bellis continued to add additional hurdles to prevent the defendants from bringing their special motion to dismiss. These hurdles came in sanctions for everything ranging from a broadcast demonstrating outrage for being the victim of a child pornography extortion scam to what was independently determined to be an unintentional mistake in executing an affidavit. At this point, defendants placed their faith in the appellate courts rather than seeking to recuse Judge Bellis. While ultimately unsuccessful, defendants hoped that the time on appeal would restore a neutral judicial temperament at the trial level. Unfortunately, this hope proved misguided as defendants found themselves back under the same cloud of apparent bias and antagonism that they thought they had left behind. Only at this point in the litigation, after exhausting all other avenues to an unbiased and impartial proceeding, did the defendants bring this motion to recuse.

This context matters. The question is not whether Judge Bellis is, in fact, impartial. The question is whether a reasonable person—not necessarily one personally biased by the facts underlying the shooting at Sandy Hook— would question Judge Bellis' impartiality. This inquiry must be made on the basis of all the circumstances, including those detailed above. If based on that inquiry, Judge Bellis impartiality might reasonably be questioned, the law dictates that she must be disqualified. Here, the law demands disqualification because there is an appearance of impartiality that calls into question Judge Bellis' fair exercise of her judicial authority.

CONCLUSION

For all these reasons, defendants respectfully request that the Court disqualify Judge Bellis from this matter and substitute another judge to hear it.

CERTIFICATION OF COUNSEL

The undersigned Counsels for defendants hereby certify that this motion is made in good faith.

Dated: November 3, 2021

Respectfully submitted,
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ORDER

The foregoing motion having been heard, it is hereby ordered: GRANTED/DENIED.
_____, J.

CERTIFICATION

I hereby certify that a copy of the above document was mailed or electronically delivered on this 3rd day of November, 2021 to all counsel and pro se parties of record and that written consent for electronic delivery was received from all counsel and pro se parties of record who were electronically served including:

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DOCKET NO: UWYCV186046436S

SUPERIOR COURT

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

11/4/2021

ORDER

ORDER REGARDING:
10/20/2021 519.00 MOTION FOR ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER:

The request for a hearing is denied. Practice Book § 1-23 does not mandate that a hearing be held on a motion to disqualify. Where there is a factual dispute involved in a claim for disqualification, however, an evidentiary hearing may be required. *Szypula v. Szypula*, 2 Conn. App. 650, 655-56 (1984). Here, there is no dispute as to the underlying facts that give rise to this motion, as the evidence submitted by the defendants primarily consists of transcripts and orders contained in the official court file. "Vague and unverified assertions of opinion, speculation and conjecture cannot support a motion to recuse. . . . In addition, it is clear that adverse rulings by the judge do not amount to evidence of bias sufficient to support a claim of judicial disqualification." (Internal quotation marks omitted.) Rule 1.2 of the Code of Judicial Conduct states as follows: A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge." "The standard to be employed is an objective one, not the judge's subjective view as to whether he or she can be fair and impartial in hearing the case. . . . [A] judge should disqualify himself [or herself] in a proceeding in which his [or her] impartiality might reasonably be questioned Any conduct that would lead a reasonable [person] knowing all the circumstances to the conclusion that the judge's impartiality might reasonably be questioned is a basis for the judge's disqualification. Thus, an impropriety or the appearance of impropriety . . . that would reasonably lead one to question the judge's impartiality in a given proceeding clearly falls within the scope of the general standard The question is not whether the judge is impartial in fact. It is simply whether another, not knowing whether or not the judge is actually impartial, might reasonably question his [or her] impartiality, on the basis of all of the circumstances." (Citations omitted; emphasis in original; internal quotation marks omitted.) *Papa v. New Haven Federation of Teachers*, 186 Conn. 725, 745-46 (1982); see also *State v. Rizzo*, 303 Conn. 71, 118-19, cert. denied, 133 S. Ct. 133 (2012); *Bonelli v. Bonelli*, 214 Conn. 14, 18-19 (1990) (totality of circumstances test). The burden of establishing judicial bias, partiality, or impropriety rests on the movants. The motion is denied as the movants have not met their burden.

Judicial Notice (JDNO) was sent regarding this order.

Judge: BARBARA N BELLIS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.